

ORAL ARGUMENT NOT YET SCHEDULED

No. 22-7063

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN SOCIETY FOR TESTING AND MATERIALS, et al.,
Appellants

v.

PUBLIC.RESOURCE.ORG, INC.,
Appellee

Appeal from the United States District Court
for the District of Columbia
Hon. Tanya S. Chutkan, No. 1:13-cv-1215-TSC

PUBLIC APPENDIX
VOLUME 11 (JA8155-JA8817)
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[witness - z]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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JA08165-JA08323

Case 1:13-cv-01215-TSC Document 204-66 Filed 11/13/19 Page 1 of 3

EXHIBIT 60

From: Saunders, Mary H.
Sent: Fri 4/27/2012 6:11 AM (GMT -7)
To: Carl Malamud
Cc:
Bcc:
Subject: RE: Downloading the SIBR database contents

Carl, thanks again for sharing your comments on the data in our SIBR database. What follows is a somewhat long response, but one that I hope is valuable to you. I would be happy to organize a phone discussion for you with SCO staff about the SIBR database. Would also be happy to chat separately with you at your convenience.

As you noted in your review, the database contains various types of references contained in the CFR, not only nongovernment standards. More about this below.

With respect to the currency of the information compared to the latest version of the CFR, the database is not intended to be a real-time index of what is in the CFR. It does not represent any specific CFR citation as it may be on a particular day other than the day that a specific record was "verified" as identified in the database. To date, the database contains around 14,000 data records that have been identified as an incorporation by reference at some point in time. The range of review of data to be incorporated into the database runs from 2001 through 2011. The most recent complete review, in 2011, focused on correcting and updating earlier data entries. Currently, the focus is on updating the database when new rulemaking activities change the CFR. The review process is dynamic and the database's content changes almost daily as the review/audit process proceeds.

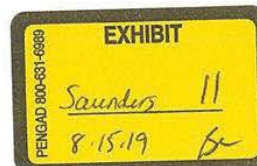
You noted that several entries in the SIBR database contain the letters "NDG", or No Date Given, in the "Edition" column. NIST uses the acronym in the database when the text found in a specific paragraph of the CFR references a voluntary consensus standard (VCS) without citing a specific edition of the standard. Some confusion may occur when NIST uses the acronym "NDG" for a specific standard in one SIBR record while it cites the specific edition of the standard in another related record from the same agency, such as in the case identified in your Public.Resources.org comments to the OFR. This is not an error. It is and has been NIST's practice to cite regulatory language exactly as it appears in the text of each specific CFR citation and to not make assumptions about what a regulatory agency intended in its regulation.

For example, when NIST compiled the initial inventory of standards incorporated by reference, the Mine Safety and Health Administration (MSHA) referenced the National Fire Protection Association's (NFPA) National Electric Code (NFPA 70) in 30 CFR 57.12048 without citing a specific edition. "NDG" appears in the "Edition" column for that record. However, NIST also found other MSHA references to NFPA 70 that identified a specific edition. For example, in paragraph 30 CFR 75.513-1, MSHA references the 1968 edition of NFPA 70. In this record, "1968" appears in the edition column. NIST cannot speculate that the non-dated incorporation refers to, or is intended to refer to, the 1968 edition of NFPA 70 referenced in the dated incorporation. That intent, or interpretation, is up to the regulatory agency promulgating the regulation. The format and manner in which SIBRs are identified in the CFR is an individual agency decision.

One purpose of the SIBR database is to help agencies identify inconsistencies or other incorporation by reference issues so that each agency can address such issues through its standards management program. NIST conducted its initial inventory in 2002 and identified many inconsistencies. At that time, agency standards executives were provided with Excel spreadsheets containing the reference records for their review. As agencies continue to review and update their regulations in the CFR, NIST will continue to review and update its SIBR database. In doing so, NIST will cite regulatory language exactly as it appears in a specific CFR citation and will leave the interpretation of specific regulatory language and the choice of presentation format up to each agency incorporating a VCS or other document by reference.

You also noted that there are entries in the SIBR database that cite agency incorporations of other sections of the CFR. These are not errors. The four examples that you cited refer to FCC and FEMA regulations that are referenced (used) by FCC and HUD. These references, and many others like them, are listed in the database to identify where government unique standards (an agency's own or other agency regulations) are incorporated. In one of examples that you cited, HUD makes reference in 24 CFR 200.926d(c)(4) to FEMA's National Flood Insurance Program standards found at 44 CFR Part 60. Here, HUD is "using" a government unique FEMA standard for a purpose specific to its regulatory authority.

In addition to cross-references or incorporations in the CFR such as those above, there are many Federal Specifications, Military Specifications, and other Federal GSA Standard documents cited in the CFR by various agencies. Many of these



PRO_00167221

have been withdrawn, replaced, or updated by the issuing agency BUT NOT by the "using" agency. The references will be retained in the database until the using agency reviews and revises its regulations in the CFR.

Finally, you note that you identified five BSI standards referenced in the CFR while the SIBR database only identified two. This is likely due to the fact that NIST's periodic review has not yet captured the additional three references. We'll take a closer look at this specific case and update the database.

Best, Mary

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]

Sent: Saturday, April 21, 2012 3:55 PM

To: Saunders, Mary H.

Subject: Re: Downloading the SIBR database contents

Hi Mary -

I've postponed my trip to DCC until June. Happy to do a phone call before then if you'd like to chat.

I was wondering when the last time you did an audit of your SIBR database? I'm finding an awful lot of errors. Some of them are really obvious. For example, your database includes a lot of entries where sections of the CFR are purportedly incorporated by reference into the CFR. A few examples:

Federal Communications Commission	47 CFR 80.1061	Special requirements for 406.0-406.1 MHz EPIRB stations
NDG FCC	47 CFR 80.1101(c)(5)(iv)	
Federal Communications Commission	47 CFR 80.1063	Special requirements for INMARSAT-E EPIRB stations
NDG FCC	47 CFR 80.1101(c)(11)(v)	
Federal Emergency Management Agency	44 CFR 60	National Flood Insurance Program
CFR 200.926d(c)(4)		NDG HUD/HC 24
Federal Emergency Management Agency	44 CFR 60	National Flood Insurance Program
CFR 200.926d(c)(4)(iv)(A)(3)		NDG HUD/HC 24

I'm also finding a lot of references to FedSpec and FedStd documents. Amazingly enough, the government doesn't appear to have many of these documents available anyplace and in quite a few cases, they don't appear to be available anywhere.

A third set of errors have to do with how current the database is. I found two standards from British Standards Institute listed in your database, but I've found 5 standards from that body that are incorporated into the CFR. Is it possible you're a couple years out of date?

Keeping the database scrubbed and up-to-date doesn't seem like that hard a task. Maybe I'm underestimating the amount of work involved.

Let me know if you'd like to chat.

Best regards,

Carl

PRO_00167222

JA08326

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JA08327-JA08449

Case 1:13-cv-01215-TSC Document 204-90 Filed 11/13/19 Page 1 of 6

EXHIBIT 84


8/16/2019

Codes

(<http://www.ca.gov>)

    (mailto:?subject=Codes&body=%0ahttps%3A%2F%2Fwww.dgs.ca.gov%2FBSC%2FCodes%0a%0a)

Careers (/OHR/Careers) Translate

 (<https://www.dgs.ca.gov/BSC>)



HOME (/) » BUILDING STANDARDS COMMISSION ([HTTPS://WWW.DGS.CA.GOV/BSC](https://www.dgs.ca.gov/BSC)) » CODES ([HTTPS://WWW.DGS.CA.GOV/BSC/CODES](https://www.dgs.ca.gov/BSC/CODES))

Codes

CALIFORNIA BUILDING STANDARDS CODE

2019 TRIENNIAL EDITION OF TITLE 24

The 2019 California Building Standards Code (Cal. Code Regs., Title 24) was published July 1, 2019, with an effective date of January 1, 2020. [Information Bulletin 19-04 \(/media/Divisions/BSC/06-News/Information-Bulletins/BSC-Bulletin-19-04-FINAL-ACC.ashx?la=en&hash=B91A9E6A276D3A314C233FC0114198F7BF7E0B0A\)](#) and [Information Bulletin 19-05 \(/media/Divisions/BSC/06-News/Information-Bulletins/BSC-Bulletin-19-05-FINAL-ACC.ashx?la=en&hash=428CB1E2A46FADCE0A9F4D442CDF47E9921E9298\)](#) provide detailed information concerning the 2019 publication.

The active links below will take you to each publisher's website. Please contact CBSC at cbsc@dgs.ca.gov (<mailto:cbsc@dgs.ca.gov>) if you have challenges accessing the codes.

PART 1 - CALIFORNIA ADMINISTRATIVE CODE (<https://codes.iccsafe.org/content/chapter/15348/>)

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 2 - CALIFORNIA BUILDING CODE

- **Volume 1 of Part 2** (<https://codes.iccsafe.org/content/chapter/15426/>)
 - Errata (non-substantive corrections): TBD
 - Supplement: TBD
- **Volume 2 of Part 2** (<https://codes.iccsafe.org/content/chapter/15455/>)
 - Errata (non-substantive corrections): TBD
 - Supplement: TBD

PART 2.5 - CALIFORNIA RESIDENTIAL CODE (<https://codes.iccsafe.org/content/chapter/15513/>)

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 3 - CALIFORNIA ELECTRICAL CODE (<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nfpa.org%2FCodes-and-standards%2Fall-codes-and-standards%2FCodes-and-standards%2Ffree-access%3Fmode%3Dview%26t%3Dother%26c%3DCALNEC2019&data=02%7C01%7CLaura.Mills%40dgs.ca.gov%7C4184703fbf4747>)

[url=https%3A%2F%2Fwww.nfpa.org%2FCodes-and-standards%2Fall-codes-and-standards%2FCodes-and-standards%2Ffree-access%3Fmode%3Dview%26t%3Dother%26c%3DCALNEC2019&data=02%7C01%7CLaura.Mills%40dgs.ca.gov%7C4184703fbf4747](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nfpa.org%2FCodes-and-standards%2Fall-codes-and-standards%2FCodes-and-standards%2Ffree-access%3Fmode%3Dview%26t%3Dother%26c%3DCALNEC2019&data=02%7C01%7CLaura.Mills%40dgs.ca.gov%7C4184703fbf4747)

- Errata (non-substantive corrections): TBD
- Supplement: TBD

<https://www.dgs.ca.gov/BSC/Codes>



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8/16/2019

Codes

PART 4 - CALIFORNIA MECHANICAL CODE (<http://epubs.iapmo.org/2019/CMC/index.html>).

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 5 - CALIFORNIA PLUMBING CODE (<http://epubs.iapmo.org/2019/CPC/index.html>).

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 6 - CALIFORNIA ENERGY CODE (<https://codes.iccsafe.org/content/chapter/15564/>)

PART 7 - Vacant - formerly California Elevator Safety Construction Code (see Cal. Code Regs., Title 8)

PART 8* - CALIFORNIA HISTORICAL BUILDING CODE (<https://codes.iccsafe.org/content/chapter/15782/>).

PART 9 - CALIFORNIA FIRE CODE (<https://codes.iccsafe.org/content/chapter/15583/>).

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 10* - CALIFORNIA EXISTING BUILDING CODE (<https://codes.iccsafe.org/content/chapter/15668/>).

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 11 - CALIFORNIA GREEN BUILDING STANDARDS CODE (<https://codes.iccsafe.org/content/chapter/15761/>), also referred as **CALGreen**

- Errata (non-substantive corrections): TBD
- Supplement: TBD

PART 12* - CALIFORNIA REFERENCED STANDARDS CODE (<https://codes.iccsafe.org/content/chapter/15802/>).

- Errata (non-substantive corrections): TBD
- Supplement: TBD

**The printed versions of Parts 8, 10 and 12 are located in a shared binder featuring Part 10.*

2016 TRIENNIAL EDITION OF TITLE 24

2013 TRIENNIAL EDITION OF TITLE 24

PURCHASE THE CODES

The California Building Standards Code (Cal. Code Regs., Title 24) is available for purchase from the following publishers or is viewable at no cost through several [State Document Depository Libraries](http://www.library.ca.gov/government-publications/state-document-depository-program/depositories) (<http://www.library.ca.gov/government-publications/state-document-depository-program/depositories>).

International Code Council (ICC)

Parts 1, 2, 2.5, 6, 8, 9, 10, 11 and 12

shop.iccsafe.org (<https://shop.iccsafe.org>), or call (800) 786-4452

8/16/2019

Codes

International Association of Plumbing and Mechanical Officials (IAPMO)

Parts 4 and 5

iapmomembership.org (<https://iapmomembership.org/>), or call (909) 472-4208

National Fire Protection Association (NFPA)

Part 3 - 2019

catalog.nfpa.org (<https://catalog.nfpa.org/NFPA-70-National-Electrical-Code-with-California-Amendments-P17223.aspx>), or call (800) 344-3555

BNi Building News

Part 3 - 2016

www.bnibooks.com (<http://www.bnibooks.com>), or call (888) 264-2665

LOCAL AMENDMENTS TO BUILDING STANDARDS - ORDINANCES

ORDINANCES (/BSC/CODES/LOCAL-JURISDICTIONS-CODE-ORDINANCES)

APPEALS INFORMATION

APPEALS (/BSC/CODES/BUILDING-STANDARDS-APPEALS)

CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24)

The California Building Standards Code is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from national model codes to address California's ever-changing conditions; and
- Building standards, authorized by the California legislature, that constitute amendments not covered by national model codes, that have been created and adopted to address particular California concerns.

All occupancies in California are subject to national model codes adopted into Title 24, and occupancies are further subject to amendments adopted by state agencies and ordinances implemented by local jurisdictions' governing bodies.

About Title 24



<https://www.dgs.ca.gov/BSC/Codes>

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JA08453

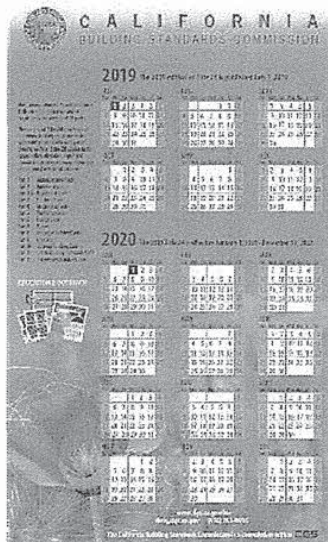
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About Title 24 - Educational Video #3

2019-2020 18-MONTH CALENDAR

Contact us and we'll send you a printable version of our 2019-2020 18-month calendar celebrating the new 2019 edition of Title 24.



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JA08454

8/16/2019

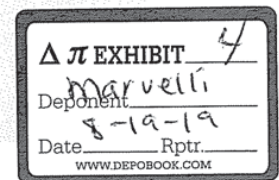
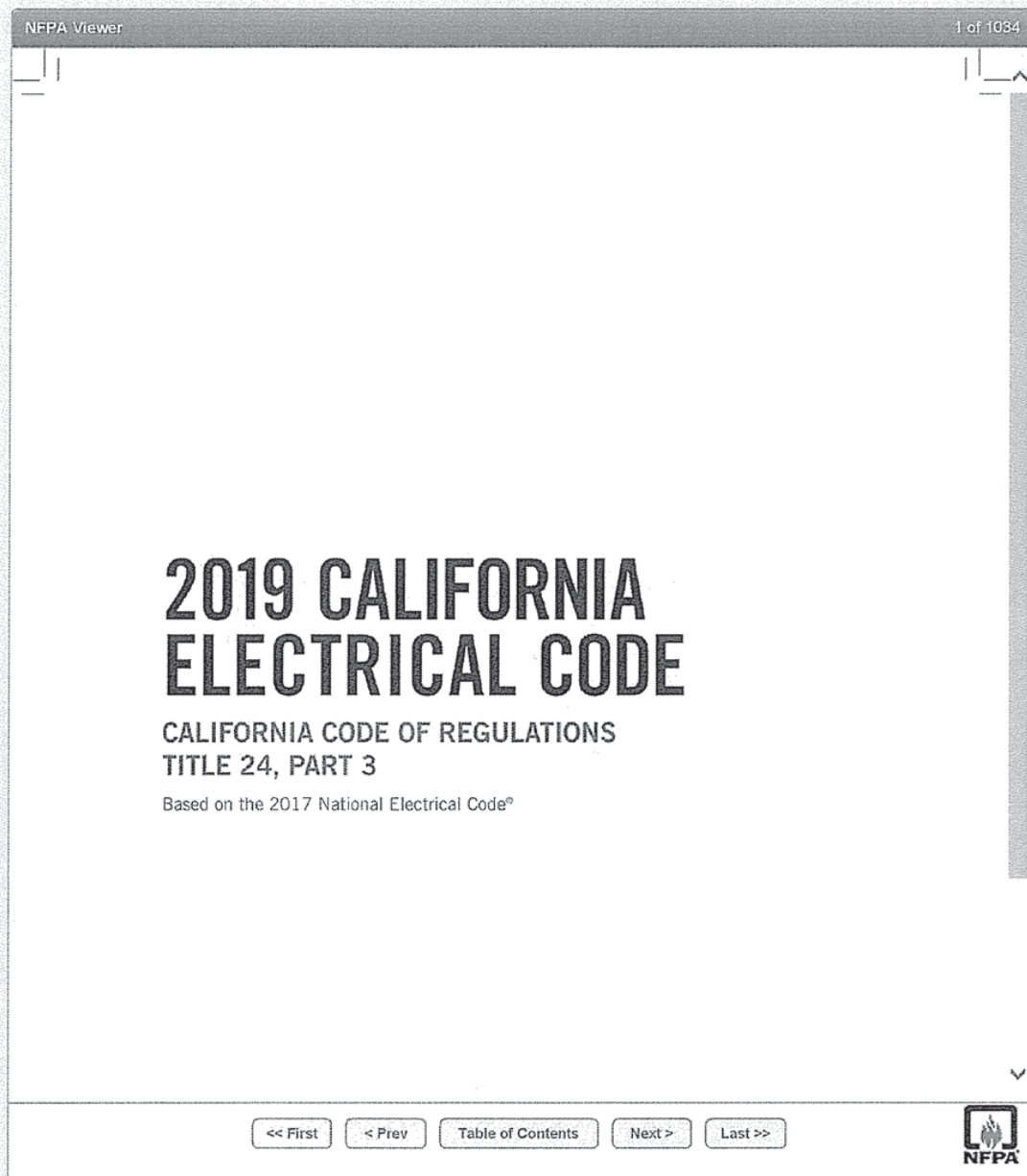
Codes

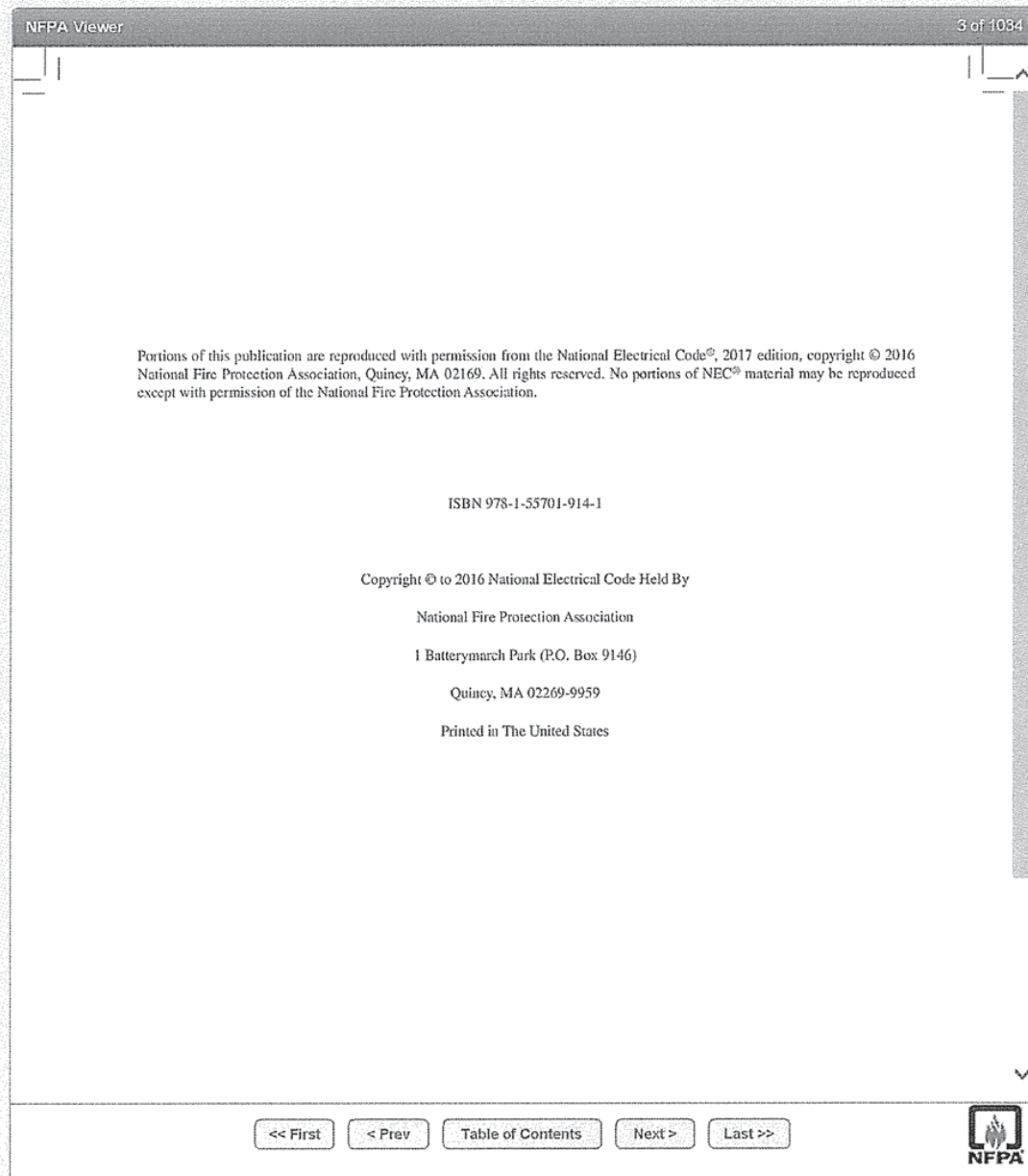
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y (<https://www.youtube.com/user/CalifDGS>) **@** (<https://www.instagram.com/dgscalif/?hl=en>)
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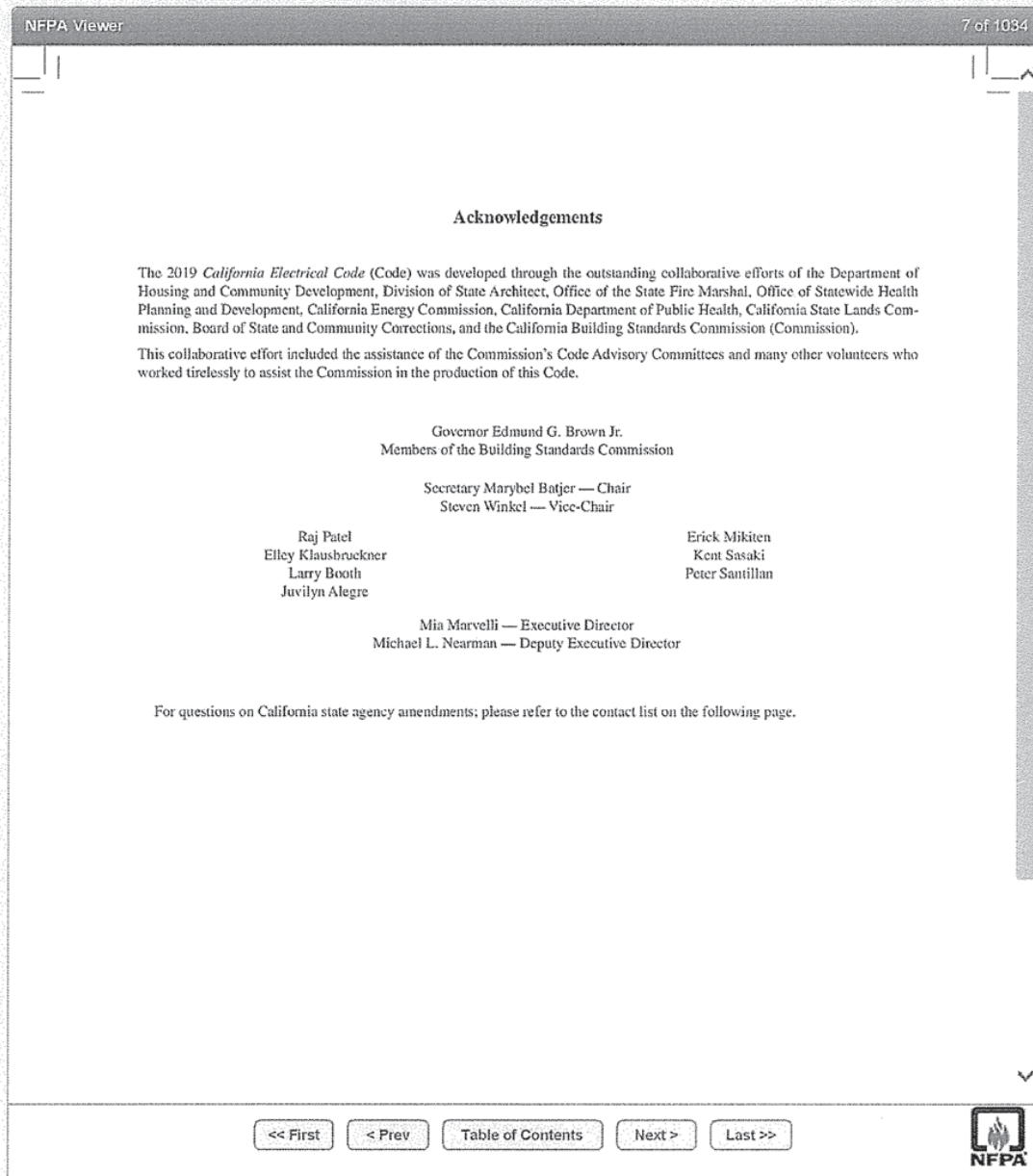
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How to Distinguish Between Model Code Language and California Amendments

To distinguish between model code language and the incorporated California amendments, including exclusive California standards, California amendments will appear in italics.

Symbols in the margins indicate the status of code changes as follows:

[SFM] This symbol identifies which State agency(s), by its "acronym", has amended a section of the model code. For a complete listing of the State agency acronyms, see the Application Section within Chapter 1.

C
A This symbol indicates a California amendment has been made to the model code.

|| This symbol indicates that a change has been made to a California amendment.


> This symbol indicates deletion of California language.

NOTATIONS USED IN THE NATIONAL ELECTRICAL CODE

The following notation appears in the *National Electrical Code* to aid the user:

Changes other than editorial are indicated with gray shading within sections. An entire figure caption with gray shading indicates a change to an existing figure. New sections, tables, and figures are indicated by a bold, italic N in a gray box to the left of the new material. An N next to an Article title indicates that the entire Article is new. Where one or more complete paragraphs have been deleted, the deletion is indicated by a bullet (*) between the paragraphs that remain.

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CHAPTER 1 CALIFORNIA MATRIX ADOPTION TABLES														
ARTICLE 100 — DEFINITIONS														
Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OS-HPD					DPH	
Adopt Entire Article				1	2	1-AC	AC	SS	SS/CC	1	1R	2	3	4
Adopt entire Article as amended (amended sections listed below)	X		X	X	X					X	X	X	X	X
Adopt only those sections that are listed below						X								
Article/Section														
Coordination (Selective)										X	X	X	X	X
Ballasted Solar Photovoltaic System	X		X	X	X									
Building (Exception)				X	X	X								
ARTICLE 110 — REQUIREMENTS FOR ELECTRICAL INSTALLATIONS														
Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OS-HPD					DPH	
Adopt Entire Article				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt entire Article as amended (amended sections listed below)	X		X	X	X		X	X		X	X	X	X	X
Adopt only those sections that are listed below														
Article/Section														
110.2										X	X	X	X	X
110.19(C)										X	X	X	X	X
110.19 Exception	X		X	X	X									

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CHAPTER 2 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 200 — USE AND IDENTIFICATION OF GROUNDED CONDUCTORS

Adopting Agency	BSC	BSC-CG	SFM	HCD			DSA			OSHPD					DPH
Adopt Entire Article	X		X	X	X	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 210 — BRANCH CIRCUITS

Adopting Agency	BSC	BSC-CG	SFM	HCD			DSA			OSHPD					DPH
Adopt Entire Article	X			X	X	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt entire Article as amended (amended sections listed below)			X												
Adopt only those sections that are listed below															X
Article/Section															
210.12(A)			X												
210.50(D), (E)															X

ARTICLE 215 — FEEDERS

Adopting Agency	BSC	BSC-CG	SFM	HCD			DSA			OSHPD					DPH
Adopt Entire Article	X		X	X	X	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 220 — BRANCH-CIRCUIT, FEEDER, AND SERVICE CALCULATIONS

Adopting Agency	BSC	BSC-CG	SFM	HCD			DSA			OSHPD					DPH
Adopt Entire Article	X		X	X	X	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt entire Article as amended (amended sections listed below)										X					
Adopt only those sections that are listed below															

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CHAPTER 3 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 300 — GENERAL REQUIREMENTS FOR WIRING METHODS AND MATERIALS

Adopting Agency	BSC	BSC- CG	SFM	HCD			CSA			CSHPD					DPH
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 310 — CONDUCTORS FOR GENERAL WIRING

Adopting Agency	BSC	BSC- CG	SFM	HCD			CSA			CSHPD					DPH
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 312 — CABINETS, CUTOUT BOXES, AND METER SOCKET ENCLOSURES

Adopting Agency	BSC	BSC- CG	SFM	HCD			CSA			CSHPD					DPH
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

**ARTICLE 314 — OUTLET, DEVICE, PULL, AND JUNCTION BOXES; CONDUIT BODIES;
FITTINGS; AND HANDHOLE ENCLOSURES**

Adopting Agency	BSC	BSC- CG	SFM	HCD			CSA			CSHPD					DPH
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
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CHAPTER 4 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 400 — FLEXIBLE CORDS AND CABLES

Adopting Agency	BSC	BSC- CG	SFM	1	2	AC	SS	SS/CC	1	1R	2	3	4	5	DPH
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 402 — FIXTURE WIRES

Adopting Agency	BSC	BSC- CG	SFM	1	2	AC	SS	SS/CC	1	1R	2	3	4	5	DPH
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

ARTICLE 404 — SWITCHES

Adopting Agency	BSC	BSC- CG	SFM	1	2	AC	SS	SS/CC	1	1R	2	3	4	5	DPH
Adopt Entire Article	X		X	X	X		X	X		X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)										X	X	X	X	X	
Adopt only those sections that are listed below						X									
Article/Section															
404 FPN						X									
404.4(G)									X	X	X	X	X	X	

ARTICLE 406 — RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS)

Adopting Agency	BSC	BSC- CG	SFM	1	2	AC	SS	SS/CC	1	1R	2	3	4	5	DPH
Adopt Entire Article	X		X	X	X		X	X		X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)										X	X	X	X	X	
Adopt only those sections that are listed below						X									

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CHAPTER 5 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 500 — HAZARDOUS (CLASSIFIED) LOCATIONS, CLASSES I, II, AND III, DIVISIONS 1 AND 2

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 501 — CLASS I LOCATIONS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 502 — CLASS II LOCATIONS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 503 — CLASS III LOCATIONS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														


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CHAPTER 6 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 600 — ELECTRIC SIGNS AND OUTLINE LIGHTING

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 604 — MANUFACTURED WIRING SYSTEMS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 605 — OFFICE FURNISHINGS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 610 — CRANES AND HOISTS

Adopting Agency	BSC	BSC-CG	SFM	HCD		DSA		CSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X				X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
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CHAPTER 7 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 700 — EMERGENCY SYSTEMS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHFD					DPH		
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X			X	X		X	X							
Adopt entire Article as amended (amended sections listed below)			X						X	X	X	X	X	X	
Adopt only those sections that are listed below															
Article/Section															
700.3(A)									X	X	X	X	X	X	
700.3(B)									X	X	X				
700.3(C)									X	X	X	X	X	X	
700.12(B)(2) WExc. 1, 2, & 3			X						X	X	X	X	X	X	

ARTICLE 701 — LEGALLY REQUIRED STANDBY SYSTEMS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHFD					DPH		
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	*	*		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
Article/Section															

The * designation indicates that the State Fire Marshal's adoption of this chapter or individual sections is applicable to structures subject to HCD 1 and/or 2.

ARTICLE 702 — OPTIONAL STANDBY SYSTEMS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHFD					DPH		
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5	
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)															
Adopt only those sections that are listed below															
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CHAPTER 3 CALIFORNIA MATRIX ADOPTION TABLES

ARTICLE 800 — COMMUNICATION CIRCUITS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 810 — RADIO AND TELEVISION EQUIPMENT

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 820 — COMMUNITY ANTENNA TELEVISION AND RADIO DISTRIBUTION SYSTEMS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
Article/Section														

ARTICLE 830 — NETWORK-POWERED BROADBAND COMMUNICATIONS SYSTEMS

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA		OSHPD					DPH	
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														

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CHAPTER 9 CALIFORNIA MATRIX ADOPTION TABLES

CHAPTER 9 — TABLES

Adopting Agency	BSC	BSC- CG	SFM	HCD		DSA			OSHPD					DPH
				1	2	AC	SS	SS/CC	1	1R	2	3	4	5
Adopt Entire Article	X		X	X	X		X	X	X	X	X	X	X	X
Adopt entire Article as amended (amended sections listed below)														
Adopt only those sections that are listed below														
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EXHIBIT 86

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER

3188107

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of General Services, California Building Standards Commission

CONTRACTOR'S NAME

National Fire Protection Association

2. The term of this Agreement is: May 1, 2016 or upon DGS/OLS approval, whichever is later through December 31, 2019

3. The maximum amount of this Agreement is: \$0.00 Zero Dollars

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A - Scope of Work

7 Pages

Exhibit A, Attachment A - Depository Libraries

2 Pages

Exhibit A, Attachment B - Selective Depository Libraries

4 Pages

Exhibit A, Attachment C - Code Adoption Cycle

1 Page

Exhibit B - Payment and Compensation Provisions

2 Pages

Exhibit C - General Terms and Conditions

GTC - 610

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

National Fire Protection Association

BY (Authorized Signature)

DATE SIGNED (Do not type)

5-12-16

PRINTED NAME AND TITLE OF PERSON SIGNING

Kimberly A. Fontes, Division Director, Product Development

ADDRESS

1 Batterymarch Park, Quincy, MA 02169

STATE OF CALIFORNIA

AGENCY NAME

Department of General Services, Building Standards Commission

BY (Authorized Signature)

DATE SIGNED (Do not type)

5/16/16

PRINTED NAME AND TITLE OF PERSON SIGNING

Mia Marvelli, Executive Director

ADDRESS

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

California Department of General
Services Use Only

APPROVED

MAY 31 2016

OFFICE OF LEGAL SERVICES
DEPT. OF GENERAL SERVICES

☐ Exempt per:

Δ π EXHIBIT

Depoent Marvelli

Date 8-19-19 Rptr.

WWW.DEPOBOOK.COM

PRO_00263324

JA08472

Building Standards Commission
2016 California Electrical Code Publication Agreement
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EXHIBIT A

SCOPE OF WORK

The 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3) is based on the 2014 National Electrical Code®. The California Electrical Code includes both provisions of the model code and amendments to the code adopted by California. The National Fire Protection Association, Inc. (NFPA®) owns the copyright to the National Electrical Code and the acronym (NEC®).

1. PROJECT SUMMARY

Pursuant to Health and Safety Code Sections 18928.1 and 18942, the California Building Standards Commission (CBSC) and National Fire Protection Association (NFPA) will coordinate the publication of the 2016 California Electrical Code (Title 24, Part 3). All activities hereto that are the responsibility of the NFPA may be carried out by or through an NFPA approved authorized licensee or subcontractor at the discretion of NFPA. The description NFPA and NFPA and/or Authorized Agent and Licensee is used interchangeably, except where noted.

- A. **WHEREAS**, NFPA is the sole owner of the copyright to the NFPA 70® National Electrical Code® 2014 Edition, as well as the trademark to the title National Electrical Code® and the acronym NEC® (hereinafter referred to as "2014 NEC"); and
- B. **WHEREAS**, CBSC periodically adopts, approves and codifies electrical code standards and amendments, which may be based on an existing model electrical code, and publishes them as the California Electrical Code, California Code of Regulations, Title 24, Part 3 (hereinafter referred to as the "CEC"); and
- C. **WHEREAS**, CBSC desires to publish a 2016 edition of the CEC containing those portions of the 2014 NEC, as adopted by CBSC, that have been approved and codified by CBSC, those portions of the 2014 NEC that have been modified by CBSC, and the California amendments thereto (hereinafter referred to as the "2016 CEC"); and
- D. **WHEREAS**, NFPA and CBSC desire to publish the 2016 CEC in a pre-assembled loose-leaf and fully integrated format on or before July 1, 2016; and
- E. **WHEREAS**, NFPA and CBSC desire to make arrangements for annual amendments to the 2016 CEC (hereinafter referred to as the "2016 CEC Supplements"), errata supplements, and emergency supplements.

NOW THEREFORE, in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the Parties agree as follows:

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2. TERM

A. The term of this agreement is May 1, 2016 through December 31, 2019 (44 Months).

3. PROJECT REPRESENTATIVES

A. The Project Representatives during the term of this agreement will be:

CBSC Contract Administrator Kevin Day 2525 Natomas Park Drive #130 Sacramento, CA 95833 (916) 263-0355 kevin.day@dcs.ca.gov

Contractor's Contract Administrator Debra Rose, NFPA 1 Batterymarch Park Quincy, MA 02169-747 (617) 984-7595 drose@nfpa.org

B. Any changes in Contractor's project representatives must be reported to the CBSC Contract Administrator and NFPA immediately, in writing.

4. PERFORMANCE DETAILS

Grant of License for CEC.

A. **By NFPA.** Subject to the limitation of section 1 below, NFPA, hereby grants CBSC a non-exclusive, non-transferable sublicense to use and copy all or any portion of the 2014 NEC, NFPA supplements and revisions to the 2014 NEC (hereinafter referred to as "Licensed Property"), solely to create and publish the 2016 CEC, as well as the 2016 CEC supplements, errata and emergency supplements (hereinafter referred to collectively as the "Code"). The grant of the foregoing sublicense is limited to the right to:

1. Publish, print, reprint and distribute all or any pages of the Licensed Property that have been modified by CBSC upon the following terms and conditions: In the event that NFPA breaches its obligation or terminates this Agreement, or otherwise discontinues to publish or fails to make available for sale the Code, then CBSC may cause to print and publish all or any pages of the Code that have been modified by CBSC for its use and for sale to the public until publishing thereof is recommenced by NFPA or until one hundred and eighty days (180) after publication of the next edition of the CEC, whichever occurs first, without compensating NFPA. If at any time prior to the discontinuation of publication by NFPA the Code becomes temporarily out of print or unavailable so that copies thereof cannot be furnished within thirty (30) days after they are requested for purchase by any person or entity, CBSC may without being in violation of the non-transferable license provision hereof, cause to print and publish any of the unavailable documents for its own use and for sale to the public in quantities to meet immediate demand, until NFPA recommences

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furnishing copies or until one hundred and eighty (180) days after publication of the next edition of the CEC, whichever occurs first, without compensating NFPA.

2. Make such changes to the Licensed Property as CBSC determines are required for the Code.
3. Affix copyright and trademark notices to the Code as directed by CBSC and required by NFPA.
4. Post all supplements which may contain material copyrighted by NFPA on the NFPA website in "read-only" format.

B. **By CBSC.** CBSC hereby grants to NFPA an exclusive, worldwide license to copy, print, publish, distribute and sell the Code and all Code Supplements in accordance with the terms of this Agreement.

5. SERVICE DETAILS

A. **Technical Services.** Immediately after the execution of this Agreement, NFPA shall commence the following services:

1. NFPA shall, in accordance with the specific formatting requirements and editorial and publication timetable herein, print, publish and make available for sale to the State of California, local governmental agencies, and to the general public, copies of the Code in a loose-leaf format. The Code shall be printed and published in a fully integrated format that incorporates, into a fully merged, contiguous and pre-assembled document, all portions of the 2014 NEC approved and codified by the CBSC, those portions of the 2014 NEC that have been modified by the CBSC, and all California amendments.
2. NFPA shall print and publish all 2016 CEC Supplements on a regular basis so that all customers have available an accurate and up-to-date Code, provided, however, that NFPA shall not be required to print, publish and distribute special supplements for minor or inconsequential errors or changes. Special supplements for minor or inconsequential errors and/or changes shall be posted on NFPA website and shall be provided to CBSC for posting on CBSC's website in a "read-only" format.
3. NFPA has provided CBSC with three (3) copies of the final text corresponding to the printed version of the 2013 Code, and three (3) copies of all 2013 supplements, supplements in response to emergency regulations, and all related errata sheets, in an electronic version in electronic format that allows editing of text solely for code development purposes.

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6. WORK DETAILS

- A. NFPA shall, in accordance with the specific formatting requirements and editorial and publication timetable set forth herein, print, publish and make available for sale to the State of California, local governmental agencies, and to the general public on or before July 1, 2016 or at a later date as set by CBSC, copies of the 2016 CEC in a loose-leaf format wherein all portions of the Licensed Property that have been approved and codified by CBSC, including those portions of the Licensed Property that have been modified by CBSC, as well as California amendments thereto, are fully merged and integrated into a contiguous and pre-assembled form and not provided as separate sheets. To meet the July 1, 2016 publication date, CBSC must deliver to NFPA the proofed and approved final text on or before May 15, 2016. In the event CBSC fails to deliver to NFPA the proofed and approved final text on or before May 15, 2016, NFPA shall be provided with a period of 45 days from receipt of delivery of said final text from CBSC in which to print, publish and make available for sale the Code.
- B. All those portions of the Licensed Property, be it chapters, sections, provisions, tables, appendices, references, etc., which CBSC or any authorized agency does not adopt as a part of Title 24 shall be shown with a strike through the language in the code. NFPA will show non-adopted language in legislative (strike thru) text and will note as not adopted by the State on each page.
- C. All Errata and/or Supplements to the 2014 Licensed Property as originally adopted by CBSC as the Code which are thereafter generated by NFPA shall not be printed in the Code unless expressly approved by the CBSC.
- D. CBSC shall submit to NFPA and/or Authorized Agent and Licensee its modifications to the 2014 Licensed Property. Within a reasonable time after the receipt thereof from CBSC, NFPA and/or Authorized Agent and Licensee shall furnish to CBSC a copy of the initial draft of the Code for review by CBSC.
- E. WITHIN a reasonable time after receipt of the initial draft of the 2016 CEC from NFPA and/or Authorized Agent and Licensee, CBSC shall submit its revisions to the initial draft to NFPA and/or Authorized Agent and Licensee. Within a reasonable time after receipt of CBSC's revisions to the initial draft, NFPA and/or Authorized Agent and Licensee shall make any further modifications and submit to CBSC a second draft.
- F. WITHIN a reasonable time after receipt of the second draft of the Code from NFPA and/or Authorized Agent and Licensee, CBSC shall submit its revisions to the second draft to NFPA and/or Authorized Agent and Licensee. Within a reasonable time after receipt of CBSC's revisions to the second draft, NFPA and/or Authorized Agent and Licensee shall make any further modifications and submit to CBSC a final draft.
- G. NFPA and/or Authorized Agent and Licensee shall thereafter publish and make available for sale to the State of California, and to the general public, copies of the

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Code. If CBSC promptly delivers to NFPA and/or Authorized Agent and Licensee the submissions from CBSC as set forth in paragraphs above, NFPA shall ensure that the Code is available for sale within thirty-five (35) days of receipt from CBSC of fully proofed and approved final text in either electronic format or camera ready copy.

H. Time is of the essence:

1. Because the Code may have significant effects on the safety of the State's built environment and its citizens, time is of the essence in performing the herein duties.
2. The July 1, 2016, date to publish the Code is of critical importance. Publication is defined as the documents being printed and available for delivery.
3. CBSC and NFPA shall commit staff and resources to expedite their diligent work and cooperate toward the within Publication schedules and goals.
4. Due to the variations of their size and complexity, it is impossible to herein establish schedules for Publication of any Supplements or Errata. Therefore, when CBSC submits any Supplements or Errata to NFPA, a Publication Schedule of milestone dates, including a Publication and Effective date, shall be mutually determined. That Publication Schedule, due to possible coordination with other contractors, is of critical importance. NFPA shall notify CBSC within 15 calendar days following creation of the Publication Schedule if they, for valid reason(s) given, cannot meet the Schedule and include a proposed Schedule which they can meet. CBSC must concur in the acceptance of any new Schedule. Without such notification, or concurrence with a new Publication Schedule, CBSC shall expect NFPA and/or Authorized Agent and Licensee to abide by the proposed Schedule.
5. Neither NFPA nor CBSC shall be held liable or responsible for any times or dates set out in this publication agreement if such failure to meet that time or date comes about as a result of any strike, unauthorized work stoppage, civil unrest, legal requirement or impediment, storm, fire, flood or other act of God for which NFPA or CBSC is not otherwise responsible.

I. Formatting, layout and other requirements not contained herein for publication of the Code will be set forth and/or confirmed in subsequent correspondence between the Parties. Said formatting, layout and other requirements include, but are not limited to, the following:

1. Code

- a. A "pre-assembled code" numbered consecutively, printed on 20 lb. or 24 lb. stock (depending on page count), 84 or higher brightness, 8-1/2" by 11" white paper in a seven-hole loose-leaf format configuration – the same configuration as that used for the 2013 CEC.
- b. The black body copy font shall be 10 pt. Times Roman with bold section numbers. Headings shall be 10 pt. Helvetica bold.
- c. Each binder volume that has a ring metal greater than 2" shall be equipped with front and back heavy-duty page lifters and, when containing

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more than one Part of Title 24, a heavy-weight reinforced tab divider shall be included.

- d. Volume binders shall conform to the design and colors selected by CBSC and sized appropriately for the contents which shall be shrink wrapped to ensure completeness.
 - e. NFPA and/or Authorized Agent and Licensee will integrate existing 2014 Licensed Property language with California amendments to be reviewed and approved by CBSC. First review and schedule will be agreed upon by the parties.
 - f. NFPA and/or Authorized Agent and Licensee and CBSC will work out a schedule for completion of the code to ensure publication and its availability on or before July 1, 2016. Attachment C, California Triennial Code Adoption Cycle Schedule will be used as the basis for developing this schedule.
2. Index will remain as it appears in the 2014 Licensed Property with California amendments as necessary.
 3. Italics shall not be used to identify defined terms.
 4. The front of each volume shall contain the following documents. This information will be provided to NFPA and/or Authorized Agent and Licensee by CBSC no later than April 1, 2016:
 - a. Cover Art
 - b. Preface
 - c. Acknowledgement
 - d. California Agency Information Contact List
 - e. How to Distinguish Between Model Code Language and California Amendments
 5. California language will be in italics or other form as specified by codification.
 6. All chapters will begin on a right hand page.
 7. Running heads will read "2016 California Electrical Code" etc.
 8. State-agency acronyms will be used throughout the 2016 Code.
 9. NFPA and/or Authorized Agent and Licensee will submit binder specifications for approval by CBSC.
 10. The Matrix Adoption Table will be in the front of each correlating chapter of the Code and available as a supplement so it can be inserted in the front of each Code.
 11. NFPA and/or Authorized Agent and Licensee shall supply a postage-paid return card for each purchaser to apply for complimentary automatic receipt of all supplements and errata sheets. NFPA and/or Authorized Agent and

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Licensee will maintain the mailing list, and print, mail and verify delivery of supplements and errata sheets.

12. A card may be placed in the Code advertising other NFPA and/or Authorized Agent and Licensee publications.

J. Supplements and Errata

1. Supplements to the code shall be printed on 20 lb. light blue paper, seven-hole drilled and be individually shrink-wrapped.
2. Supplements shall be printed to insert by page substitution and contain a publication, effective date and 'Blue' on the bottom of each page.
3. Regular supplements shall be published as needed.
4. Emergency supplements shall be published on an "as needed basis."
5. Errata Sheets shall be printed on 20 lb. buff paper, seven-hole drilled and be individually shrink-wrapped.
6. Errata Sheets shall be printed to insert by page substitution and contain a publication, effective date and 'Buff' on the bottom of each page.
7. The number of the supplements shall be the number of the page where the section and paragraph resides followed by .1, .2, .3 etc.

K. Distribution

1. NFPA shall establish a distribution method in consultation with the CBSC.
2. NFPA shall distribute a minimum of 200 complimentary copies of the Code as per list provided by CBSC on or before July 1, 2016
3. NFPA may wholesale the Code to other resellers in California.
4. NFPA reserves the right to include advertising material of related support products/services in distribution of the Code, provided said material is not a part of the official text of the California Electrical Code. Any advertising would be clearly denoted and included as a separate insert.

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Depository Libraries

Under the provisions of the Library Distribution Act (Government Code sections 14905, 14906, and 14907), the libraries listed below have contracted with the Department of General Services to serve as complete or selective depositories. They agree to provide adequate facilities for the shelving and use of the publications deposited with them render reasonable service without charge to qualified patrons, and retain all publications received until authorized to dispose of them.

Complete Depository Libraries

One copy of each state publication as defined in Government Code section 14902 must be placed on deposit with each complete depository. In addition, provisions of the State Administrative Manual authorize those libraries marked with an asterisk in the list below to receive the number of copies recorded after the entry.

California State Archives, 1020 O Street, Sacramento, CA 95814
California State Library, Information Resources and Government Publications, P.O. Box 942837, Sacramento, CA 94237-0001 (IMS: 900 N Street, E-29) **(two copies)**
California State University, Chico, Merriam Library, Government Publications Dept., Chico, CA 95929-0295
Fresno County Free Library, Government Publications, 2420 Mariposa St., Fresno, CA 93721-2285
Library of Congress, Anglo-American Acquisition Division, Government Documents Section, 101 Independence Ave S.E., Washington, D.C., 20540-4172
Los Angeles Public Library, Serials Division, 630 W. Fifth St., Los Angeles, CA 90071-2002
Dr. Martin Luther King Jr. Library, Government Publications, San José State University, One Washington Square, San Jose, CA 95192-0008
San Diego Public Library, Government Publications Unit, 330 Park Blvd., San Diego, CA 92101
San Diego State University, Malcolm A. Love Library, Government Publications & Maps Division, 5500 Campanile Drive, San Diego, CA 92182-8050
San Francisco Public Library, Government Information Center, 100 Larkin St., San Francisco, CA 94102
Green Library, Receiving, Stanford University Libraries, 557 Escondido Mall, Stanford, CA 94305
University of California, Berkeley, Government Documents Technical Services, 250 Moffitt Library, Berkeley, CA 94720-6000
University of California, Davis, Shields Library, Government Information and Maps Department, 100 North West Quad, Davis, CA 95616-5292
University of California, Los Angeles, Charles E. Young Research Library A4510 Government Information, Box 951575, Los Angeles, CA 90095-1575
University of California, San Diego, Government Documents Unit, 9500 Gilman Drive 0175P, La Jolla, CA 92093-0175

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University of California, Santa Barbara, Library, Serials Receiving, Santa Barbara, CA 93106-9010

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Selective Depository Libraries

Selective depositories receive one copy of each printed publication distributed by the Office of State Publishing. They also receive publications distributed directly by issuing agencies. Special subsets of the Selective Depository Libraries are the Law Libraries. They receive one copy of each printed publication from OSP and a single copy from issuing agencies. Law library depositories differ in having special document retention requirements pursuant to section 14909 of the California Government Code. Law Libraries are indicated in this list by the term "Law" before their entry.

A.K. Smiley Public Library, 125 West Vine St., Redlands, CA 92373
Law Bernard E. Witkin Alameda County Law Library, 125 - 12 St., Oakland, CA 94607-4912
Alhambra Public Library, 101 South First Street, Alhambra, CA 91801
Butte County Library, 1820 Mitchell Avenue, Oroville, CA 95966-5387
California Polytechnic State University, Library-Government Documents Section, 1 Grand Avenue, San Luis Obispo, CA 93407
California State Polytechnic University, Pomona, Library-Serials Unit, Building 15, Suite 1919, 3801 W. Temple Ave., Pomona, CA 91768-2557
California State University, Bakersfield, Walter Stern Library, Library-Documents Section, 9001 Stockdale Highway, Bakersfield, CA 93311-1099
California State University, Dominguez Hills, Library-Government Documents, 800 E. Victoria St., Carson, CA 90747
California State University, Fresno, Henry Madden Library, Government Documents Dept., 5200 N. Barton, M/S ML34, Fresno, CA 93740-8014
California State University, Fullerton, Library-Documents State, P.O. Box 4150, Fullerton, CA 92834-4150
California State University, East Bay, Library-Documents, 25800 Carlos Bee Blvd. Hayward, CA 94542
California State University, Long Beach, Library Government Documents, 1250 Bellflower Blvd., Long Beach, CA 90840-1901
California State University, Los Angeles, John F. Kennedy Library, Government Information Services, 5151 State University Dr., Los Angeles, CA 90032-8300
California State University, Northridge, Oviatt Library Government Documents, 18111 Nordhoff St., Northridge, CA 91330-8328
California State University, Sacramento, Library-Documents, 2000 State University Dr., East, Sacramento, CA 95819-6039
California State University, San Bernardino, Library, 5500 University Parkway, San Bernardino, CA 92407-2397
California State University San Marcos, Library, State Documents, 333 S. Twin Oaks Valley Road, San Marcos, CA 92096-0001

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- California State University, Stanislaus, Library, Documents Dept., One University Circle, Turlock, CA 95382-0299
California State University, Board of Trustees, Office of Governmental Affairs, CA 915 L Street, Suite 1160, Sacramento, CA 95814
- Law** California Judicial Center Library, 456 Golden Gate Avenue, Room 4617, San Francisco, CA 94102
- Law** California Western School of Law Library, 225 Cedar St., San Diego, CA 92101-3090
Chula Vista Public Library, 365 F Street, Chula Vista, CA 91910
Contra Costa County Library, Documents Section, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523-4497
- Law** Court of Appeal Library, Second Appellate District, 300 S. Spring St., Los Angeles, CA 90013
El Centro Public Library, 1140 N. Imperial Ave., El Centro, CA 92243
Fremont Main Library, 2400 Stevenson Blvd., Fremont, CA 94538-2326
Garden Grove Regional Branch, Orange County Public Library, 11200 Stanford Avenue, Garden Grove, CA 92840
- Law** Golden Gate University Law Library, 536 Mission St., San Francisco, CA 94105
- Law** Hastings College of the Law Library, 200 McAllister St., San Francisco, CA 94102
Honnold/Mudd Library, Government Publications Dept., Claremont Colleges, 800 N. Dartmouth Ave., Claremont, CA 91711-3907
Humboldt County Library, Public Services Division, 1313 Third Street, Eureka, CA 95501-0533
Humboldt State University, Government Documents Section, 1 Harpst Street, Arcata, CA 95521
Inglewood Public Library, 101 West Manchester Boulevard, Inglewood, CA 90301-1771
- Law** Kern County Law Library, 1415 Truxtun, Room 301, Bakersfield, CA 93301
Kern County Library, California Documents Dept., 701 Truxtun Avenue, Bakersfield, CA 93301-4517
- Law** Kings County Law Library, 1400 West Lacey Boulevard, Hanford, CA 93230
Long Beach Public Library, 101 Pacific Avenue, Long Beach, CA 90822-1097
- Law** Los Angeles County Law Library, 301 W. First St., Los Angeles, CA 90012-3100
County of Los Angeles Public Library, Lancaster Library, 601 W. Lancaster Blvd., Lancaster, CA 93534
County of Los Angeles Public Library, Norwalk Library, 12350 Imperial Highway, Norwalk, CA 90650
- Law** McGeorge School of Law, Library, Documents Dept., 3282 Fifth Ave., Sacramento, CA 95817
Monterey County Free Libraries, Seaside Branch Library, 550 Harcourt Avenue, Seaside, CA 93955
Napa City-County Library, 580 Coombs Street, Napa, CA 94559-3340
Oakland Public Library, 125 Fourteenth St., Oakland, CA 94612
- Law** Orange County Public Law Library, 515 N. Flower, Santa Ana, CA 92703-2354

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- Pasadena Public Library, 285 East Walnut Street, Pasadena, CA 91101-1556
Redding Library, Attn. Government Documents, 1100 Parkview Ave., Redding,
CA 96001
Redwood City Public Library, Documents, 1044 Middlefield Road, Redwood City,
CA 94063-1868
Richmond Public Library, Government Documents Dept., 325 Civic Center Plaza,
Richmond, CA 94804
Law Riverside County Law Library, 3989 Lemon St., Riverside, CA 92501-4203
Law Sacramento County Public Law Library, 609 Ninth St., Sacramento, CA 95814
Sacramento Public Library, Central Library-Reference Department, 828 I Street,
Sacramento, CA 95814-2508
Law San Bernardino County Law Library, 402 North "D" Street, San Bernardino, CA
92401
San Bernardino Public Library, Documents, 555 W. Sixth St., San Bernardino,
CA 92410
San Bernardino Valley College Library, 701 South Mt. Vernon Avenue, San
Bernardino, CA 92410
Law San Diego County Law Library, 1105 Front St., San Diego, CA 92101-3999
San Francisco State University, Government Publications Dept., J. Paul Leonard
Library, 1630 Holloway Ave., San Francisco 94132-4030
Law San Joaquin County Law Library, Kress Legal Center, 1st floor, 20 N. Sutter St.,
Stockton, CA 95202
San Luis Obispo City-County Library, P.O. Box 8107, San Luis Obispo, CA
93403
Law San Luis Obispo County Law Library, 1050 Monterey St., Room 125, San Luis
Obispo, CA 93408
Law San Mateo County Law Library, 710 Hamilton St., Redwood City, CA 94063
San Mateo Public Library, 55 West Third Avenue, San Mateo, CA 94402-1592
Law Santa Barbara County Law Library, Courthouse, 1100 Anacapa St., Second
Floor, Santa Barbara, CA 93101
Santa Barbara Public Library, P.O. Box 1019, Santa Barbara, CA 93102-1019
Law Santa Clara County Law Library, 360 N. First St., San Jose, CA 95113-1004
Santa Clara University, Government Documents Dept., Michel Orradre Library,
500 El
Camino Real, Santa Clara, CA 95053-0500
Law Santa Cruz County Law Library, 701 Ocean St., Rm. 070, Santa Cruz, CA 95060
Santa Cruz Public Library, Documents Section, 224 Church Street, Santa Cruz,
CA 95060
Santa Maria Public Library, Reference Dept., 421 S. McClelland, Santa Maria,
CA 93454
Santa Monica Public Library, 601 Santa Monica Blvd., Santa Monica, CA 90401
Law Sonoma County Law Library, 2604 Ventura Ave., Santa Rosa, CA 95403
Sonoma County Library, 211 E Street, Santa Rosa, CA 95404
Law Southwestern University School of Law Library, Government Documents, 3050
Wilshire

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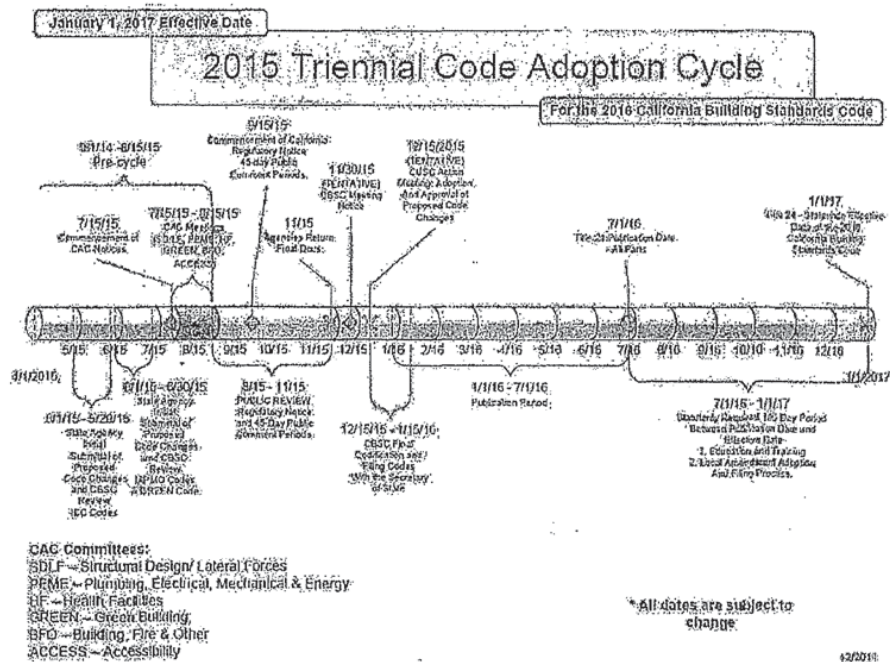
- Bld., Los Angeles, CA 90010-1106
- Law Stanford University, Law Library, 559 Nathan Abbott Way, Stanford, CA 94305-8612
- Stanislaus County Free Library, 1500 I Street, Modesto, CA 95354-1166
- Stockton-San Joaquin County Public Library, 605 North El Dorado Street, Stockton, CA 95202
- Thousand Oaks Library, Technical Services Dept., 2331 Borchard Rd., Newbury Park, CA 91320
- Law University of California, Berkeley, Law Library, Boalt Hall, Berkeley, CA 94720-7210
- Law Law Library Documents Dept., University of California, 400 Mrak Hall Drive, Davis, CA 95616-5203
- University of California, Irvine Libraries, Government Information Department, Building 520, Ayala Science Library Receiving Dock, Irvine, CA 92697
- Law University of California, Los Angeles, Law Library, 1106 Law Building., 405 Hilgard Ave., Los Angeles, CA 90095-1458
- University of California, Riverside, Rivera Library, Government Publications, P.O. Box 5900, Riverside, CA 92517-5900
- University of California, Santa Cruz, University Library, Government Publications, 1156 High Street, Santa Cruz, CA 95064
- Law University of La Verne College of Law Library, 320 East D St., Ontario, CA 91764
- Law University of San Diego, School of Law Library, 5998 Alcalá Park, San Diego, CA 92110-2492
- Law University of San Francisco, Zies Law Library, Kendrick Hall, 2130 Fulton St., San Francisco, CA 94117
- Law University of Southern California, Law Library, 699 Exposition Blvd., Los Angeles, CA 90089-0072
- University of Southern California, Government Documents, Von Kleinsmid Library, 3518 Trousdale Parkway, Los Angeles, CA 90089-0048
- Law Ventura County Law Library, Courthouse, 800 S. Victoria Ave., Ventura, CA 93009-2020
- Law Whittier College School of Law, Library, 3333 Harbor Blvd., Costa Mesa, CA 92626

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Exhibit A, Attachment C

2016 Intervening Code Adoption Cycle Timeline –



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EXHIBIT B

PAYMENT AND COMPENSATION PROVISIONS

- A. **Compensation.** In consideration of the opportunity provided to NFPA by CBSC to make sales of the Code, no fees, royalties or other payments of any nature shall be required to be paid by CBSC to NFPA with respect to this Agreement or the licenses granted hereunder.
- B. **Sale of Code.** NFPA agrees to furnish the Code in loose-leaf format on the following basis:
1. NFPA shall make the Code, described in Exhibit A Paragraphs 5 A 1. and 5 A 2., available to the State, local governmental agencies, and the general public at a price established by NFPA that will entitle the purchaser to receive all 2016 CEC Supplements, supplements to the 2016 CEC in response to emergency regulations, and all related Errata sheets from NFPA at no additional charge.
 2. Any bookstore or other vendor may purchase the Code from NFPA for resale and may resell the same at any price which will entitle the purchaser to receive all subsequent 2016 CEC Supplements, supplements to the 2016 CEC in response to emergency regulations, and all related errata sheets from NFPA at no additional charge.
 3. NFPA shall provide CBSC with three (3) copies of the final text corresponding to the printed version of the 2016 Code, and three (3) copies of all 2016 supplements, supplements in response to emergency regulations, and all related errata sheets, in an electronic version in electronic format that allows editing of text solely for code development purposes.
 4. NFPA may sell the Code in any formats it so chooses, including but not limited to: print, eBooks, and subscription service.
 5. NFPA and/or Authorized Agent and Licensee will send the State an annual report of units sold. Reports must be mailed to:

CBSC Contract Administrator
Kevin Day
2525 Natomas Park Drive #130
Sacramento, CA 95833

- C. **State Code Distribution.** The Library Distribution Act (LDA) established a system to distribute California State agency publications to libraries in order to make such

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2016 California Electrical Code Publication Agreement
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publications widely available to residents of the State of California.. During the term of this Agreement, NFPA shall deliver complimentary copies of the 2016 CEC, and automatically, any 2016 CEC Supplements, supplements to the 2016 CEC in response to emergency regulations, and all related errata sheets, directly to the Deposit Libraries listed in Attachment A hereto in the quantities set forth therein, and one copy each to the Selective Depository Libraries listed in Attachment B hereto and copies to the State agencies as directed by CBSC. NFPA shall obtain and retain proof of delivery of all materials distributed in accordance with this provision and make copies of such proof of delivery available to CBSC upon written request until one year after termination of this Agreement or be willing to ship additional complimentary copies upon request.

1. NFPA shall deliver up to 30 complimentary copies of the Code to CBSC and then deliver one complimentary copy for each new Commissioner appointed after June 1, 2016 to CBSC, in addition to the delivery of the original 30 copies until one hundred and eighty (180) days after the Publication of the next edition of 2016 Code. CBSC shall provide with names and delivery addresses of the current and any new Commissioners as well as notifying NFPA of any terminations.
 2. NFPA shall deliver up to 200 complimentary copies of the Code, together with any 2016 CEC Supplements, directly to the following state agencies in the quantities specified by CBSC.
- D. **Subscription Service.** In order to ensure that the 2016 CEC purchased from NFPA or any bookstore or other vendor is accurate and up to date, beginning from the time of the initial publication, NFPA shall make available to all purchasers of the 2016 CEC, all 2016 CEC Supplements, all supplements to the 2016 CEC in response to emergency regulations, and all related errata sheets, at no additional cost. NFPA shall provide all purchasers with a subscription registration card which enables them to automatically receive such updates to the 2016 CEC in either print or electronic format, whichever the purchaser chooses. Electronic versions shall clearly distinguish and identify errata and supplement sheets with footer notes on each page as follows: '[Effective date], Supplement, Blue', '[Effective date], Errata, Buff'. Subscription to this service shall result in the subscriber being provided with an entire, up-to-date 2016 Code.
- E. **Funding.** NFPA understands and agrees that under certain provisions of California law, CBSC may not obligate itself by contract to an extent in excess of an amount appropriated therefore by the State Legislature as approved by the Governor.

PRO_00263340

Case 1:13-cv-01215-TSC Document 204-93 Filed 11/13/19 Page 1 of 2

EXHIBIT 87

From: Hunter, <Alexander@DGS>
To: "DGS CBSC-Sacramento Staff" <CBSC-SacramentoStaff@dgs.ca.gov>
Date: 8/1/2016 9:54:38 AM
Subject: Online versions of 2016 Codes

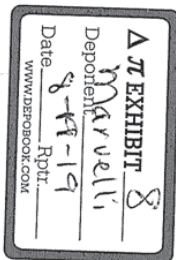
Good morning,

Online portions of the 2016 California Building Standards Code published/printed by ICC are now linked on our [Codes webpage](#). However, the California Electrical Code published by NFPA and the California Mechanical and Plumbing Codes published by IAPMO are not yet available for online access.

Thank you!

-Alex

Alexander Hunter
Associate Governmental Program Analyst
Department of General Services
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento CA 95833-2936
Office (916) 263-0916
Direct (916) 263-5889
Fax (916) 263-0959
<http://www.bsc.ca.gov/>
alexander.hunter@dgs.ca.gov



PRO_00252463

12/17/2016

JA08490

Case 1:13-cv-01215-TSC Document 204-94 Filed 11/13/19 Page 1 of 43

EXHIBIT 88

NCB Coordination Sheet

Department of General

Services

Document Identification	
EO Assignment Number:	Division/ Assistant/ Phone Number: Building Standards Commission
Subject: NCB's for Publishing Title 24 Code Books	Program/Contact Person/Phone Number: Katrina Benny 916-263-1350

Action Requested
CBSB is seeking NCB approval for our Publishing Contracts of the 2016 Triennial, Title 24, California Code of Regulations, this NCB process is renewed every 4.5 years.

Brief Description of Package
4 sets of NCB Contract Justifications, Contract Advertising Exemption Request and OSP Printing Waiver, for publishing of the 2016 Triennial Title 24, California Code of Regulations.

Routing & Approvals

By signing this form, I declare that I have no direct or indirect investments, real property, or interest in any company, business entity, or organization that may involve this project or contract.

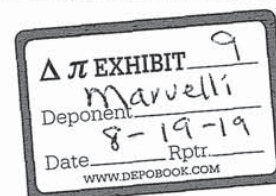
Program Approval	Date	Executive Office
Program Author Katrina Benny	5/20/15	Chief Deputy Director
Program Reviewers Jim McGowan	5-28-15	Agency
Procurement and Contracting Official (PCO) – (AD Deputy Director)		Secretary (Must approve before routing to PD)
Office of Legal Services Alex Holtz		
Deputy Director Approval	Date	

Proofed by:	Date	Enclosed (circle one):	Disk	or	CD
Deputy Director Assistant					
		Executive Office Copy			

Comments

Original Sent to EO on: _____ By: _____

Rev.10-09 Use this for NCB Routing only



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JA08492

PRO_00255927

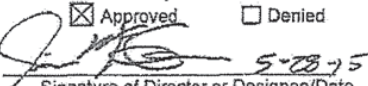
Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

For PD Use only
NCB #:

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information				
Agency: Governmental Operations		Department: DGS - California Building Standards Commission (CBSC) (*Includes Boards, Commissions, and Associations)		
Institution (if applicable):				
Department Contact Information				
Contact/Buyers Name: Molly Lovett		Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833		
Telephone: (916) 376-1844		Mailing Address: Same as above		
FAX: (916)				
E-Mail:				
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: Katrina.benny@dgs.ca.gov	
Required Contract Information				
Contractor Name: International Code Council (ICC)				
Contractor Address: 5203 Leeburg Pike, Suite 600, Falls Church, Virginia 22041-3405				
Original Contract Amount Excluding:** \$ 0.00 (*Includes original contract and previously approved amendments)	Total Original Contract Amount:* \$ 0.00 (*Includes original contract and previously approved amendments)	Amendment Amount:* (if applicable) \$ N/A (*Current amendment only)	Amended Contract Amount:* \$ N/A (*Includes original contract and all amendments, including current amendment)	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Attach explanations for any "Yes" answers.
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide:				
ICC will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Parts 1 (CA Building Standards Administrative Code), 6 (CA Energy Code), 7 (Vacant), 8 (CA Historical Building Code), Part 11 (CA Green Building Standards Code), 12 (CA Referenced Standards Code), and all supplements and errata these Parts.				
Contract Type and Term				
Contract Type: Select One: <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services	Contract Term: Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	Type of Award: CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	Will this transaction be financed? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, attach the Statement of Compliance to the State Financial Marketplace to this form	
Required Approvals				
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date 5-28-15 Jim McGowan Type Name of Director or See next page instructions	Agency <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ Type Name of Agency Secretary or See next page instructions	Dept. of General Services <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ Type Name of Director or Designee		

**Excluding sales and use tax, finance charges, postage and handling.
Shipping charges are also excluded from the dollar threshold limits
unless the shipping charge is included in the evaluation such as Free
On Board (FOB) Origin, Freight Collect or FOB Destination

Remit completed form to: Procurement Division
Intake and Analysis Unit
707 Third Street, 2nd Floor, MS201
West Sacramento, CA 95605

Department of General Services
Procurement Division
GSPD-08-007 (New 11/08)

Signature Instructions for Agencies with an Agency Secretary

This form requires approval by Agency Secretary or Agency Undersecretary and the department director or designee. The Agency Secretary may designate one person, in addition to Agency Undersecretary, to sign on his/her behalf, of cabinet officer level (e.g., Assistant Undersecretary, Deputy Secretary, etc., the actual title is dependent upon the Agency's organizational structure). The department director may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The director's designee shall send ratification notification to their director upon the designee's approval of the NCB transaction. The typed name and signature must match for both signatures.

Signature Instructions for Agencies that do not have an Agency Secretary

This form requires approval by the highest ranking executive officer or designee. The highest ranking officer may designate one person to sign on his/her behalf subject to DGS approval. The highest ranking officer may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The designee shall send ratification notification to their highest ranking executive officer upon their approval of the NCB. The typed name and signature must match.

Complete responses must be provided for all of the following items.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. Why is the acquisition restricted to this good/service/supplier?

(Explain why the acquisition cannot be competitively bid. Explain if this is an emergency purchase or how the supplier is the only source for the acquisition and reference the PCC that applies, i.e., 12102, 10301/10302, or 10340.

The California Building Standards Administrative Code (CBSAC), California Energy Code (CEC), California Historical Building Code (CHBC), California Green Building Standards Code (CGBSC) and California Referenced Standards Code (CRSC) are not based on model building codes. However, in an advice letter dated June 6, 2001, from the Department of Justice (DOJ), it was stated that, "If it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis." The reasoning given was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing the model code based parts.

2. Provide the background of events leading to this acquisition.

The publication of the CBSAC, CEC, CHBC, CGBSC and CRSC was competitively bid, prior to DOJ's letter. No publisher could outbid the model code publishing organization, which bid to publish these codes for no money. After a few years, the model code publishing organization became the only bidder.

3. Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)

In an advice letter dated June 6, 2001, from DOJ, it was stated that, "If it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis." The reasoning was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing and selling the model code based parts.

4. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

If the commission does not contract with ICC to publish the CBSAC, CEC, CHBC, CGBSC and CRSC, it will cost the state to have them published, uniformity would be lost in the publication of the California Building Standards Code, and potentially the commission would have to enter into another contract for the sale of the CBSAC, CEC, CHBC, CGBSC and CRSC, if the publisher would not also sell them.

5. What market research was conducted to substantiate no competition, including evaluation of other items considered?

The publication of the CBSAC, CEC, CHBC, CGBSC and CRSC was competitively bid, prior to DOJ's letter. No publisher could outbid the model code publishing organization, which bid to publish these codes for no money. After a few years, the model code publishing organization became the only bidder.

Department of General Services
Procurement Division
GSPD-08-007 (New 11/00)

B. PRICE ANALYSIS

1. How was the price offered determined to be fair and reasonable?
(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

Complete responses must be provided for all of the following questions:

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).

- 2. What are the consequences of not having this NCB approved?**
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.

- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

STATE OF CALIFORNIA—GENERAL SERVICES PROCUREMENT DIVISION

**CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)**

STD. 621 (REV. 10/2009)

Government Code Section 14825 (et seq.) requires that all agreements entered into by state agencies for services shall be published in the California State Contracts Register (CSCR), unless exempted. Agreements which have been exempted by Department of General Services shall be listed in the CSCR.

TYPE OF REQUEST (Check one) <input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)		<input type="checkbox"/> EXEMPTION FROM ADVERTISING		SERVICE TYPE <input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE		<input type="checkbox"/> IT/TELECOM RELATED SERVICES	
DEPARTMENTAL CONTACT INFORMATION PLEASE TYPE NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Dr. Ste 130 CITY, STATE, ZIP: Sacramento, CA 95833				AGENCY BILLING CODE 30140 CONTRACT DESCRIPTION Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24. Parts 1, 6, 7 (vacant), 8, 11, and 12. TELEPHONE NUMBER (Not CALNET-Include Area Code) 916-263-1350			
CONTRACT NUMBER		AMENDMENT NUMBER (if Applicable)		CONTRACT AMOUNT \$ 0.00		AMENDMENT AMOUNT (if Applicable)	
CONTRACT PERIOD 07/01/2015 - 12/31/2019		PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED					
CONTRACTOR'S NAME International Code Council (ICC)						FEDERAL EMPLOYER IDENTIFICATION NUMBER	
CONTRACTOR'S ADDRESS (Number, Street) 5203 Leesburg Pike, Suite 600							
(City, State, ZIP Code) Falls Church, VA, 22041-3405							

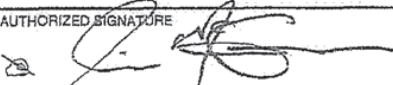

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

EXEMPTION JUSTIFICATION (Attach additional sheets if necessary)

The California Building Standards Administrative Code (California Code of Regulations, Title 24, Part 1), California Energy Code (California Code of Regulations, Title 24, Part 6), (California Code of Regulations, Title 24, Part 7 - Vacant), California Historical Building Code (California Code of Regulations, Title 24, Part 8), California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), and the California Referenced Standards Code (California Code of Regulations, Title 24, Part 12) are not based on model building codes.

However, in an advice letter dated June 6, 2001, from the Department of Justice, it was stated that, "if it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis."

The reasoning given was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing the model code based parts.

AUTHORIZED SIGNATURE 		PROCUREMENT DIVISION USE ONLY	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916		DATE SIGNED 5-28-15	
SEND TO: NAME: DEPARTMENT OF GENERAL SERVICES DEPARTMENT: PROCUREMENT DIVISION DIVISION: 707 THIRD ST., Second Floor ADDRESS: WEST SACRAMENTO, CA 95605 CITY, STATE, ZIP:		ACTION TAKEN ON REQUEST <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	
IMS CODE Z-1		AUTHORIZED SIGNATURE 	
		DATE SIGNED	
COMMENTS			

Department: Retain Last Copy

PRO_00255932

JA08498

STATE OF CALIFORNIA— GENERAL SERVICES PROCUREMENT DIVISION

CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 10/2006) REVERSE

INSTRUCTIONS

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

1. Submit the original and one copy of the completed form and all supporting documents to the Department of General Services, Procurement Division for review and action. (Attach completed, NCB Contract Justification form as applicable.)
2. All applicable elements of the Justification form must be completed or the request may be denied.
3. Do not provide the name and address of the proposed contractor unless the request is to enter into a contract on a non-competitively bid basis.
4. All requests must include comprehensive justification.
5. Non-competitively bid contract justifications must include a narrative of the efforts made to secure similar services from other sources. Refer to the State Contracting Manual Section 5.70.

GENERAL INFORMATION

It is required by statute that State agencies advertise and bid all contracts for services over \$5,000. It is the agency's responsibility to develop and adopt contracting procedures which maximize competition and effect timely and proper contract award and execution.

The STD. 821, Contract Advertising Exemption Request, allows the Department of General Services to exempt agencies from these requirements when such action is justified.

Exemption is granted by either an approved request to be exempt from advertising in the California State Contracts Register or by an approved request to enter into a contract on a non-competitively bid basis.

Definitions of Requests:

REQUEST TO BE EXEMPT FROM ADVERTISING - A bid is going to be conducted. Request is made to be exempt from the requirement of advertising in the California State Contracts Register, which is required by Government Code Section 14827 et seq. The request is made because: (1) the exemption is necessary to preserve life or state property, or (2) there is an interest to the State that is so compelling that the agency believes an exemption is warranted.

REQUEST FOR NCB CONTRACT - Request is made to be exempt from competitive bidding because: (1) there is only one supplier that can perform the service, or (2) there is an interest to the State that is so compelling that the agency believes it warrants forgoing the competitive process per Public Contract Code Sections 10348 and 10380.

Refer to the State Contracting Manual for additional information.

PRO_00255933

JA08499



MEMORANDUM

Date: May 18, 2015

To: DGS - OBAS
707 3rd Street
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I
Building Standards Commission

Subject: **Certification Requirement – NCB, ICC Part 1, 6, 7 (vacant), 8, 11 and 12**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Building Standards Administrative Code (CBSAC), California Energy Code (CEC), California Historical Building Code (CHBC), California Green Building Standards Code (CGBSC) and California Referenced Standards Code (CRSC) are not based on model building codes.

However, in an advice letter dated June 6, 2001, from the Department of Justice (DOJ), it was stated that, "If it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis." The reasoning given was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing the model code based parts.

A handwritten signature in black ink, appearing to read "Katrina Benny".

Katrina Benny, Staff Services Manager I
Building Standards Commission

Excellence in the Business of Government

PRO_00255934

JA08500

PRO_00255935

STATE OF CALIFORNIA -- Office of State Publishing

SERVICE RELEASE REQUEST SPECIFICATIONS

OSP 550, NEW (07/2012)

All fields are required (enter "N/A" if not applicable).
Fax this completed form to: 916.323.4305 or
email it to your OSP Customer Service Representative:

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1--12	
DUE DATE Triennial Publications	FILE READY DATE N/A

SPECIFICATIONS

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	INK Number of Colors: 4
BINDERY Binders + Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
SHIP TO Subscriptions		
MAILING INSTRUCTIONS Varies		
SPECIAL INSTRUCTIONS		

SERVICE RELEASE JUSTIFICATION

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

CONTACT INFORMATION

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

FOR OSP USE ONLY

<input type="checkbox"/> RETAIN	<input checked="" type="checkbox"/> RELEASE	<input type="checkbox"/> TIME	<input type="checkbox"/> EQUIPMENT
REASON CODE(S) 165 Other Copyrighted materials			

PRO_00255936

JA08502

STATE OF CALIFORNIA – Office of State Publishing

SERVICE RELEASE DETERMINATION

OSP 551 REV: (1/2013)

The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.

SERVICE RELEASE INFORMATION

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

STATEMENT OF FACTS

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):

- ☐ (A) OSP does not have production time available to meet the customer's required deadline.
- ☐ (B) OSP does not have the equipment necessary to produce the requested product.
- ☐ (C) OSP does not have the expertise to successfully produce the requested product.
- ☐ (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)
- ☐ (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.
- ☒ (F) Other Copyrighted Materials

OSP VEND-OUT

☐ Yes ☒ No

OSP SERVICE RELEASE

☒ Yes ☐ No

DETAILS

PRO_00255937

JA08503

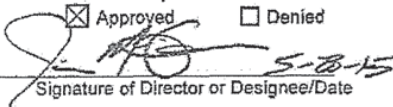
Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

For PD Use only
NCB #:

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

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Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information				
Agency: Governmental Operations		Department: DGS - California Building Standards Commission (CBSC) (*Includes Boards, Commissions, and Associations)		
Institution (if applicable):				
Department Contact Information				
Contact/Buyers Name: Molly Lovett		Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833		
Telephone: (916) 375-1844		Mailing Address: Same as above		
FAX: (916)				
E-Mail:				
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: katrina.benny@dgs.ca.gov	
Required Contract Information				
Contractor Name: International Code Council (ICC)				
Contractor Address: 5203 Leebug Pike, Suite 600, Falls Church, Virginia 22041-3405				
Original Contract Amount Excluding:** \$ 0.00 (*Includes original contract and previously approved amendments)	Total Original Contract Amount:** \$ 0.00 (*Includes original contract and previously approved amendments)	Amendment Amount:** (If applicable) \$ N/A (*Current amendment only)	Amended Contract Amount:** \$ N/A (*Includes original contract and all amendments, including current amendment)	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Attach explanations for any "Yes" answers.
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide: ICC will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Parts 2 (CA Building Code), 2.5 (CA Residential Code), 9 (CA Fire Code), 10 (CA Existing Building), and all supplements and errata to these Parts.				
Contract Type and Term				
Contract Type: Select One: <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services		Contract Term: Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):		Type of Award: CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>
				Will this transaction be financed? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, attach the Statement of Compliance to the State Financial Marketplace to this form
Required Approvals				
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date 5-8-15 Jim McGowan Type Name of Director or See next page instructions		Agency <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ Type Name of Agency Secretary or See next page instructions		Dept. of General Services <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ Type Name of Director or Designee

**Excluding sales and use tax, finance charges, postage and handling.
Shipping charges are also excluded from the dollar threshold limits
unless the shipping charge is included in the evaluation such as Free
On Board (FOB) Origin, Freight Collect or FOB Destination

Remit completed form to: Procurement Division
Intake and Analysis Unit
707 Third Street, 2nd Floor, MS201
West Sacramento, CA 95605

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

Signature Instructions for Agencies with an Agency Secretary

This form requires approval by Agency Secretary or Agency Undersecretary and the department director or designee. The Agency Secretary may designate one person, in addition to Agency Undersecretary, to sign on his/her behalf, of cabinet officer level (e.g., Assistant Undersecretary, Deputy Secretary, etc., the actual title is dependent upon the Agency's organizational structure). The department director may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The director's designee shall send ratification notification to their director upon the designee's approval of the NCB transaction. The typed name and signature must match for both signatures.

Signature Instructions for Agencies that do not have an Agency Secretary

This form requires approval by the highest ranking executive officer or designee. The highest ranking officer may designate one person to sign on his/her behalf subject to DGS approval. The highest ranking officer may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The designee shall send ratification notification to their highest ranking executive officer upon their approval of the NCB. The typed name and signature must match.

Complete responses must be provided for all of the following items.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. Why is the acquisition restricted to this good/service/supplier?

(Explain why the acquisition cannot be competitively bid. Explain if this is an emergency purchase or how the supplier is the only source for the acquisition and reference the FCG that applies, i.e., 12102, 10301/10302, or 10340.

The California Building Code (CBC), California Residential Code (CRC), California Fire Code (CFC), and California Existing Building Code (CEBC) will be based on four model building codes, the International Building Code (IBC), the International Residential Code (IRC), the International Fire Code (IFC), and the International Existing Building Code (IEBC), respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

ICC owns the copyrights to these model codes; therefore, ICC must be the publisher of the CBC, CRC, CFC, and CEBC if they are each going to contain model code provisions and California's amendments to the model codes. If ICC is not the publisher, California's amendments to the IBC, IFC, and IEBC could not be published with the IBC, IFC, and IEBC provisions adopted by California.

2. Provide the background of events leading to this acquisition.

Throughout most of the 1980s, California published only the amendments it made to the model building codes, using the Office of State Publishing as the publisher. The building industry did not like having to refer back-and-forth between model code books and books containing California's amendments to the model codes. Therefore, in 1989, publication agreements were entered into, pursuant to Health and Safety Code Section 18928.1, so that California's amendments could be published with the model codes they amended.

3. Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)

ICC owns the copyrights to the model building codes upon which the CBC, CRC, CFC, and CEBC are based. Therefore, ICC must be the publisher of these California building codes if they are each going to contain model code provisions and California's amendments to the model codes.

4. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

If the commission does not contract with ICC to publish the CBC, CRC, CFC, and CEBC, it will not be able to have the model codes adopted by California published with California's amendments to those model codes. The publishing situation will return to that which existed in the 1980s when California's amendments to the model codes were not published with the model codes they amended. This was something the building industry found problematic.

5. What market research was conducted to substantiate no competition, including evaluation of other items considered?

ICC owns the copyrights to the model building codes upon which the CBC, CRC, CFC, and CEBC are based. Therefore, ICC must be the publisher of the CBC, CFC, and CEBC if they are each going to contain model code provisions and California's amendments to the model codes. If the commission does not contract with ICC, it will not be able to have the model codes adopted by California published with California's amendments to these model codes. The building industry found the latter to be unworkable.

Department of General Services
Procurement Division
GSFD-09-007 (New 11/09)

B. PRICE ANALYSIS

1. How was the price offered determined to be fair and reasonable?
(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

Complete responses must be provided for all of the following questions:

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).

- 2. What are the consequences of not having this NCB approved?**
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.

- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

STATE OF CALIFORNIA— GENERAL SERVICES PROCUREMENT DIVISION

CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 10/2006)

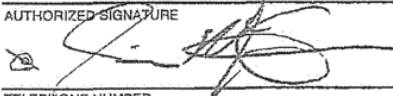

Government Code Section 14825 (et seq.) requires that all agreements entered into by state agencies for services shall be published in the California State Contracts Register (CSCR), unless exempted. Agreements which have been exempted by Department of General Services shall be listed in the CSCR.

TYPE OF REQUEST (Check one) <input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)		<input type="checkbox"/> EXEMPTION FROM ADVERTISING		SERVICE TYPE <input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE		<input type="checkbox"/> IT/TELECOM RELATED SERVICES	
DEPARTMENTAL CONTACT INFORMATION PLEASE TYPE NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Dr. Ste 130 CITY, STATE, ZIP: Sacramento, CA 95833 IMS CODE: C-11				AGENCY BILLING CODE 30140 CONTRACT DESCRIPTION Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24, Parts 2, 2.5, 9 and 10. TELEPHONE NUMBER (Not CALNET-Include Area Code) 916-263-1350			
CONTRACT NUMBER		AMENDMENT NUMBER (if Applicable)		CONTRACT AMOUNT		AMENDMENT AMOUNT (if Applicable)	
				\$ 0.00		CONTRACT PERIOD 07/01/2015 - 12/31/2019	
PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED		CONTRACTOR'S NAME International Code Council (ICC) CONTRACTOR'S ADDRESS (Number, Street) 5203 Leesburg Pike, Suite 600 (City, State, ZIP Code) Falls Church, VA, 22041-3405					
An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.						FEDERAL EMPLOYER IDENTIFICATION NUMBER	

EXEMPTION JUSTIFICATION (Attach additional sheets if necessary)

The California Building Code (California Code of Regulations, Title 24, Part 2), California Residential Code (California Code of Regulations, Title 24, Part 2.5), California Fire Code (California Code of Regulations, Title 24, Part 9), and California Existing Building Code (California Code of Regulations, Title 24, Part 10), are based on four model codes, the International Building Code, International Residential Code, International Fire Code and the International Existing Building Code, respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

The International Code Council (ICC) owns the copyrights to these model codes; therefore, ICC must be the publisher of these California codes, if they are each going to contain model code provisions and California amendments to the model codes. If ICC is not the publisher, California's amendments to the model codes cannot be published with the model codes provisions adopted by California. The building industry found the latter to be unworkable.

AUTHORIZED SIGNATURE 		PROCUREMENT DIVISION USE ONLY	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916		ACTION TAKEN ON REQUEST <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	
DATE SIGNED 5-28-15		AUTHORIZED SIGNATURE 	
SEND TO: NAME: DEPARTMENT OF GENERAL SERVICES DEPARTMENT: PROCUREMENT DIVISION DIVISION: ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605 IMS CODE: Z-1		DATE SIGNED COMMENTS	

Department: Retain Last Copy

PRO_00255942

JA08508

STATE OF CALIFORNIA-- GENERAL SERVICES PROCUREMENT DIVISION

CONTRACT ADVERTISING EXEMPTION REQUEST

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 10/2006) REVERSE

INSTRUCTIONS

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

1. Submit the original and one copy of the completed form and all supporting documents to the Department of General Services, Procurement Division for review and action. (Attach completed, NCB Contract Justification form as applicable.)
2. All applicable elements of the Justification form must be completed or the request may be denied.
3. Do not provide the name and address of the proposed contractor unless the request is to enter into a contract on a non-competitively bid basis.
4. All requests must include comprehensive justification.
5. Non-competitively bid contract justifications must include a narrative of the efforts made to secure similar services from other sources. Refer to the State Contracting Manual Section 5.70.

GENERAL INFORMATION

It is required by statute that State agencies advertise and bid all contracts for services over \$5,000. It is the agency's responsibility to develop and adopt contracting procedures which maximize competition and effect timely and proper contract award and execution.

The STD. 821, Contract Advertising Exemption Request, allows the Department of General Services to exempt agencies from these requirements when such action is justified.

Exemption is granted by either an approved request to be exempt from advertising in the California State Contracts Register or by an approved request to enter into a contract on a non-competitively bid basis.

Definitions of Requests:

REQUEST TO BE EXEMPT FROM ADVERTISING - A bid is going to be conducted. Request is made to be exempt from the requirement of advertising in the California State Contracts Register, which is required by Government Code Section 14827 et seq. The request is made because: (1) the exemption is necessary to preserve life or state property, or (2) there is an interest to the State that is so compelling that the agency believes an exemption is warranted.

REQUEST FOR NCB CONTRACT - Request is made to be exempt from competitive bidding because: (1) there is only one supplier that can perform the service, or (2) there is an interest to the State that is so compelling that the agency believes it warrants forgoing the competitive process per Public Contract Code Sections 10348 and 10380.

Refer to the State Contracting Manual for additional information.

PRO_00255943

JA08509



MEMORANDUM

Date: May 18, 2015

To: DGS - OBAS
707 3rd Street
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I
Building Standards Commission

Subject: **Certification Requirement – NCB, ICC Part 2, 2.5, 9 and 10**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Building Code (CBC), California Residential Code (CRC), California Fire Code (CFC), and California Existing Building Code (CEBC) will be based on four model building codes, the International Building Code (IBC), the International Residential Code (IRC), the International Fire Code (IFC), and the International Existing Building Code (IEBC), respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

ICC owns the copyrights to these model codes; therefore, ICC must be the publisher of the CBC, CRC, CFC, and CEBC if they are each to going to contain model code provisions and California's amendments to the model codes. If ICC is not the publisher, California's amendments to the IBC, IFC, and IEBC could not be published with the IBC, IFC, and IEBC provisions adopted by California.



Katrina Benny, Staff Services Manager I
Building Standards Commission

PRO_00255945

JA08511

STATE OF CALIFORNIA - Office of State Publishing

SERVICE RELEASE REQUEST SPECIFICATIONS

OSP 550, NEW (07/2012)

All fields are required (enter "N/A" if not applicable).
Fax this completed form to: 916.323.4305 or
email it to your OSP Customer Service Representative.

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1-12	
DUE DATE Triennial Publications	FILE READY DATE N/A

SPECIFICATIONS

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	INFC Number of Colors: 4
BINDERY Binders + Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No

SHIP TO Subscriptions
MAILING INSTRUCTIONS Varies
SPECIAL INSTRUCTIONS

SERVICE RELEASE JUSTIFICATION

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

CONTACT INFORMATION

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

FOR OSP USE ONLY		INITIALS
<input type="checkbox"/> RETAIN	<input checked="" type="checkbox"/> RELEASE	<input type="checkbox"/> TIME
BY: <i>Michael Griffin</i>		
REASON: <i>copy to other government materials</i>		
<i>for print release</i>		

PRO_00255946

JA08512

STATE OF CALIFORNIA – Office of State Publishing

SERVICE RELEASE DETERMINATION

OSP 551 REV: (1/2013)

The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.

SERVICE RELEASE INFORMATION

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

STATEMENT OF FACTS

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):

- ☐ (A) OSP does not have production time available to meet the customer's required deadline.
- ☐ (B) OSP does not have the equipment necessary to produce the requested product.
- ☐ (C) OSP does not have the expertise to successfully produce the requested product.
- ☐ (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)
- ☐ (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.
- ☒ (F) Other Copyrighted Materials

OSP VEND-OUT

☐ Yes ☒ No

OSP SERVICE RELEASE

☒ Yes ☐ No

DETAILS

PRO_00255947

JA08513

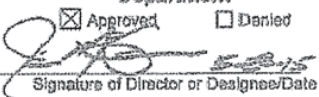
Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

For PD Use only
NCB #:

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information				
Agency: Governmental Operations		Department: DGS - California Building Standards Commission (CBSC) (*includes Boards, Commissions, and Associations)		
Institution (if applicable):				
Department Contact Information				
Contact/Buyers Name: Molly Lovett		Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833		
Telephone: (916) 375-1544		Mailing Address: Same as above		
FAX: (916)				
E-Mail:				
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: Katrina.benny@dgs.ca.gov	
Required Contract Information				
Contractor Name: National Fire Protection Association (NFPA)				
Contractor Address: 1 Batterymarch Park, Quincy MA 02189-7471				
Original Contract Amount Excluding:** \$ 0.00 (*Includes original contract and previously approved amendments)	Total Original Contract Amount:* \$ 0.00 (*Includes original contract and previously approved amendments)	Amendment Amount:* (if applicable) \$ N/A (*Current amendment only)	Amended Contract Amount:* \$ N/A (*Includes original contract and all amendments, including current amendment)	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Attach explanations for any "Yes" answers.
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide: NFPA will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Part 3 (California Electrical Code), and all supplements and errata to this Part.				
Contract Type and Term				
Contract Type: Select One: <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services	Contract Term: Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	Type of Award: CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: Form 42: <input type="checkbox"/>	Will this transaction be financed? No <input checked="" type="checkbox"/> Yes _____ If yes, attach the Statement of Compliance to the State Financial Marketplace to this form	
Required Approvals				
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date Jim McGowan Type Name of Director or See next page instructions	Agency <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ Type Name of Agency Secretary or See next page instructions	Dept. of General Services <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ Type Name of Director or Designee		

**Excluding sales and use tax, finance charges, postage and handling.
Shipping charges are also excluded from the dollar threshold limits
unless the shipping charge is included in the evaluation such as Free
On Board (FOB) Origin, Freight Collect or FOB Destination

Remit completed form to: Procurement Division
Intake and Analysis Unit
707 Third Street, 2nd Floor, MS201
West Sacramento, CA 95605

Department of General Services
Procurement Division
GSPD-03-007 (New-1106)

Signature Instructions for Agencies with an Agency Secretary

This form requires approval by Agency Secretary or Agency Undersecretary and the department director or designee. The Agency Secretary may designate one person, in addition to Agency Undersecretary, to sign on his/her behalf, of cabinet officer level (e.g., Assistant Undersecretary, Deputy Secretary, etc., the actual title is dependent upon the Agency's organizational structure). The department director may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The director's designee shall send ratification notification to their director upon the designee's approval of the NCB transaction. The typed name and signature must match for both signatures.

Signature Instructions for Agencies that do not have an Agency Secretary

This form requires approval by the highest ranking executive officer or designee. The highest ranking officer may designate one person to sign on his/her behalf subject to DGS approval. The highest ranking officer may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The designee shall send ratification notification to their highest ranking executive officer upon their approval of the NCB. The typed name and signature must match.

Complete responses must be provided for all of the following items.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. Why is the acquisition restricted to this good/service/supplier?

(Explain why the acquisition cannot be competitively bid. Explain if this is an emergency purchase or how the supplier is the only source for the acquisition and reference the POC that applies, i.e., 12102, 10301/10302, or 10340.

The California Electrical Code is based on a model building code, the National Electrical Code (NEC). The California Electrical Code includes both provisions of the NEC and amendments to the NEC adopted by California.

NFPA owns the copyright to the NEC; therefore, NFPA must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC. If NFPA is not the publisher, California's amendments to the NEC could not be published with the provisions of the NEC adopted by California.

2. Provide the background of events leading to this acquisition.

Throughout most of the 1980s, California published only the amendments it made to model building codes, using the Office of State publishing as the publisher. The building industry did not like having to refer back-and-forth between model code books and books containing California's amendments to model codes. Therefore, in 1989, publication agreements were entered into, pursuant to Health and Safety Code Section 18928.1, so that California's amendments could be published with the model codes they amended.

3. Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)

NFPA owns the copyright to the model building code upon which the California Electrical Code is based. Therefore, NEC must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC.

4. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

If the commission does not contract with NFPA to publish the California Electrical Code, it will not be able to have the NEC provisions adopted by California published with California's amendments to the NEC. The publishing situation will return to that which existed in the 1980s where California's amendments to model codes were not published with the model codes they amended. This was something the building industry found problematic.

5. What market research was conducted to substantiate no competition, including evaluation of other items considered?

NFPA owns the copyright to the NEC, which is the model building code upon which the California Electrical Code is based. Therefore, NFPA must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC. If the commission does not contract with NFPA, it will not be able to have the NEC provisions adopted by California published with California's amendments to the NEC. The building industry found the latter to be unworkable..

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

B. PRICE ANALYSIS

- 1. How was the price offered determined to be fair and reasonable?**
(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

- 2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

 Springer

Corrective Action Plan

and 12102(a)(2).

Complete responses must be provided for all of the following questions.

- Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).

- Describe in detail the impact to the department and to the program(s) if the NCB is not approved.

- Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

STATE OF CALIFORNIA—GENERAL SERVICES PROCUREMENT DIVISION

CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 621 (REV. 10/2006)

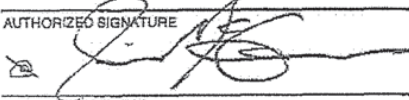

Government Code Section 14825 (et seq.) requires that all agreements entered into by state agencies for services shall be published in the California State Contracts Register (CSCR), unless exempted. Agreements which have been exempted by Department of General Services shall be listed in the CSCR.

TYPE OF REQUEST (Check one) <input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)		<input type="checkbox"/> EXEMPTION FROM ADVERTISING		SERVICE TYPE <input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE		<input type="checkbox"/> IT/TELECOM RELATED SERVICES	
DEPARTMENTAL CONTACT INFORMATION PLEASE TYPE NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Dr. Ste 130 CITY, STATE, ZIP: Sacramento, CA 95833 IMS CODE: C-11				AGENCY BILLING CODE 30140 CONTRACT DESCRIPTION Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24, Part 3. TELEPHONE NUMBER (Not CALNET-include Area Code) 916-263-1350			
CONTRACT NUMBER		AMENDMENT NUMBER (If Applicable)		CONTRACT AMOUNT		AMENDMENT AMOUNT (If Applicable)	
				S 0.00		CONTRACT PERIOD 07/01/2015 - 12/31/2019	
PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED		CONTRACTOR'S NAME National Fire Protection Association					
		CONTRACTOR'S ADDRESS (Number, Street) 1 Batterymarch Park					
		(City, State, ZIP Code) Quincy, MA 02169-7471					
An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.						FEDERAL EMPLOYER IDENTIFICATION NUMBER	

EXEMPTION JUSTIFICATION (Attach additional sheets if necessary)

The California Electrical Code (California Code of Regulations, Title 24, Part 3), is based on a model code, the National Electrical Code, (NEC). The California Electrical Code includes both provisions of the NEC and amendments to the NEC.

The National Fire Protection Association (NFPA) owns the copyrights to the NEC; therefore, NFPA must be the publisher of the California Electrical Code, if it is going to contain both NEC provisions and California's amendments to the NEC. If NFPA is not the publisher, California's amendments to the NEC cannot be published with the provisions adopted by California. The building industry found the latter to be unworkable.

AUTHORIZED SIGNATURE 		PROCUREMENT DIVISION USE ONLY	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916		ACTION TAKEN ON REQUEST <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	
DATE SIGNED 5-8-16		AUTHORIZED SIGNATURE 	
SEND TO: NAME: DEPARTMENT OF GENERAL SERVICES DIVISION: PROCUREMENT DIVISION ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605 IMS CODE: Z-1		COMMENTS	

Department: Retain Last Copy

PRO_00255952

JA08518

STATE OF CALIFORNIA— GENERAL SERVICES PROCUREMENT DIVISION

CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 10/2006) REVERSE

INSTRUCTIONS

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

1. Submit the original and one copy of the completed form and all supporting documents to the Department of General Services, Procurement Division for review and action. (Attach completed, NCB Contract Justification form as applicable.)
2. All applicable elements of the Justification form must be completed or the request may be denied.
3. Do not provide the name and address of the proposed contractor unless the request is to enter into a contract on a non-competitively bid basis.
4. All requests must include comprehensive justification.
5. Non-competitively bid contract justifications must include a narrative of the efforts made to secure similar services from other sources. Refer to the State Contracting Manual Section 5.70.

GENERAL INFORMATION

It is required by statute that State agencies advertise and bid all contracts for services over \$5,000. It is the agency's responsibility to develop and adopt contracting procedures which maximize competition and effect timely and proper contract award and execution.

The STD. 821, Contract Advertising Exemption Request, allows the Department of General Services to exempt agencies from these requirements when such action is justified.

Exemption is granted by either an approved request to be exempt from advertising in the California State Contracts Register or by an approved request to enter into a contract on a non-competitively bid basis.

Definitions of Requests:

REQUEST TO BE EXEMPT FROM ADVERTISING - A bid is going to be conducted. Request is made to be exempt from the requirement of advertising in the California State Contracts Register, which is required by Government Code Section 14827 et seq. The request is made because: (1) the exemption is necessary to preserve life or state property, or (2) there is an interest to the State that is so compelling that the agency believes an exemption is warranted.

REQUEST FOR NCB CONTRACT - Request is made to be exempt from competitive bidding because: (1) there is only one supplier that can perform the service, or (2) there is an interest to the State that is so compelling that the agency believes it warrants forgoing the competitive process per Public Contract Code Sections 10348 and 10380.

Refer to the State Contracting Manual for additional information.

PRO_00255953

JA08519



MEMORANDUM

Date: May 18, 2015

To: DGS - OBAS
707 3rd Street
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I
Building Standards Commission

Subject: **Certification Requirement – NCB, NFPA**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Electrical Code is based on a model building code, the National Electrical Code (NEC). The California Electrical Code includes both provisions of the NEC and amendments to the NEC adopted by California.

NFPA owns the copyright to the NEC; therefore, NFPA must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC. If NFPA is not the publisher, California's amendments to the NEC could not be published with the provisions of the NEC adopted by California.

A handwritten signature in black ink that reads "Katrina Benny".

Katrina Benny, Staff Services Manager I
Building Standards Commission

PRO_00255955

JA08521

STATE OF CALIFORNIA - Office of State Publishing
SERVICE RELEASE REQUEST SPECIFICATIONS
OSP 550, NEW (07/20/12)

All fields are required (enter "N/A" if not applicable).
Fax this completed form to: 916.323.4305 or
email it to your OSP Customer Service Representative.

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12	
DUE DATE Triennial Publications	FILE READY DATE N/A

SPECIFICATIONS

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	ENC Number of Colors: 4
BINDERY Binders + Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
SHIP TO Subscriptions		
MAILING INSTRUCTIONS Varies		
SPECIAL INSTRUCTIONS		

SERVICE RELEASE JUSTIFICATION

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

CONTACT INFORMATION

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

FOR OSP USE ONLY	
<input type="checkbox"/> RETAIN	<input checked="" type="checkbox"/> RELEASE
<input type="checkbox"/> EVIDENCE	<input type="checkbox"/> EQUIPMENT
REASON CODES: (D) other copyrighted materials not for print release	

PRO_00255956

JA08522

STATE OF CALIFORNIA – Office of State Publishing

SERVICE RELEASE DETERMINATION

OSP 551 REV: (1/2013)

The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.

SERVICE RELEASE INFORMATION

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

STATEMENT OF FACTS

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):

- ☐ (A) OSP does not have production time available to meet the customer's required deadline.
- ☐ (B) OSP does not have the equipment necessary to produce the requested product.
- ☐ (C) OSP does not have the expertise to successfully produce the requested product.
- ☐ (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)
- ☐ (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.
- ☒ (F) Other Copyrighted Materials

OSP VEND-OUT

☐ Yes ☒ No

OSP SERVICE RELEASE

☒ Yes ☐ No

DETAILS

PRO_00255957

JA08523

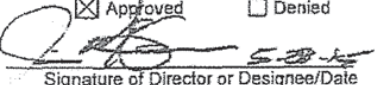
Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

For PD Use only
NCB #:

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information				
Agency: Governmental Operations		Department: DGS - California Building Standards Commission (CBSC) (*Includes Boards, Commissions, and Associations)		
Institution (if applicable):				
Department Contact Information				
Contact/Buyers Name: Molly Lovett		Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833		
Telephone: (916) 376-1844		Mailing Address: Same as above		
FAX: (916)				
E-Mail: Molly.Lovett@dgs.ca.gov				
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: Katrina.benny@dgs.ca.gov	
Required Contract Information				
Contractor Name: International Association of Plumbing and Mechanical Officials (IAPMO)				
Contractor Address: 5001 E. Philadelphia Street, Ontario, California 91761				
Original Contract Amount Excluding:** \$ 0.00 (*Includes original contract and previously approved amendments)	Total Original Contract Amount:* \$ 0.00 (*Includes original contract and previously approved amendments)	Amendment Amount:* (if applicable) \$ N/A (*Current amendment only)	Amended Contract Amount:* \$ N/A (*Includes original contract and all amendments, including current amendment)	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Attach explanations for any "Yes" answers.
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide: IAPMO will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Parts 4 (California Mechanical Code) and 5 (California Plumbing Code), and all supplements and errata to these Parts.				
Contract Type and Term				
Contract Type: Select One: <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services	Contract Term: Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	Type of Award: CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	Will this transaction be financed? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, attach the Statement of Compliance to the State Financial Marketplace to this form	
Required Approvals				
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date Jim McGowan Type Name of Director or See next page instructions	Agency <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ Type Name of Agency Secretary or See next page instructions	Dept. of General Services <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ Type Name of Director or Designee		

**Excluding sales and use tax, finance charges, postage and handling.
Shipping charges are also excluded from the dollar threshold limits
unless the shipping charge is included in the evaluation such as Free
On Board (FOB) Origin, Freight Collect or FOB Destination

Remit completed form to:

Procurement Division
Intake and Analysis Unit
707 Third Street, 2nd Floor, MS201
West Sacramento, CA 95605

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

Signature Instructions for Agencies with an Agency Secretary

This form requires approval by Agency Secretary or Agency Undersecretary and the department director or designee. The Agency Secretary may designate one person, in addition to Agency Undersecretary, to sign on his/her behalf, of cabinet officer level (e.g., Assistant Undersecretary, Deputy Secretary, etc., the actual title is dependent upon the Agency's organizational structure). The department director may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The director's designee shall send ratification notification to their director upon the designee's approval of the NCB transaction. The typed name and signature must match for both signatures.

Signature Instructions for Agencies that do not have an Agency Secretary

This form requires approval by the highest ranking executive officer or designee. The highest ranking officer may designate one person to sign on his/her behalf subject to DGS approval. The highest ranking officer may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The designee shall send ratification notification to their highest ranking executive officer upon their approval of the NCB. The typed name and signature must match.

Complete responses must be provided for all of the following items.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. Why is the acquisition restricted to this good/service/supplier?

(Explain why the acquisition cannot be competitively bid. Explain if this is an emergency purchase or how the supplier is the only source for the acquisition and reference the PCC that applies, i.e., 12102, 10301/10302, or 10340.

The California Mechanical Code (CMC) and California Plumbing Code (CPC) are based on two model building codes, the Uniform Mechanical Code (UMC) and the Uniform Plumbing Code (UPC) respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

IAPMO owns the copyrights to these model codes; therefore, IAPMO must be the publisher of the CMC and CPC if they are each going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the UMC and UPC could not be published with the provisions of the UMC and UPC adopted by California.

2. Provide the background of events leading to this acquisition.

Throughout most of the 1980s, California published only the amendments it made to the model building codes, using the Office of State Publishing as the publisher. The building industry did not like having to refer back-and-forth between model code books and books containing California's amendments to the model codes. Therefore, in 1989, publication agreements were entered into, pursuant to Health and Safety Code Section 18928.1, so that California's amendments could be published with the model codes they amended.

3. Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)

IAPMO owns the copyrights to the model building codes upon which the CMC and CPC are based. Therefore, IAPMO must be the publisher of these California building codes if they are each going to contain model code provisions and California's amendments to the model codes.

4. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

If the commission does not contract with IAPMO to publish the CMC and CPC, it will not be able to have the model codes adopted by California published with California's amendments to those model codes. The publishing situation will return to that which existed in the 1980s where California's amendments to the model codes were not published with the model codes they amended. This was something the building industry found problematic.

5. What market research was conducted to substantiate no competition, including evaluation of other items considered?

IAPMO owns the copyrights to the model building codes upon which the CMC and CPC are based. Therefore, IAPMO must be the publisher of the CMC and CPC, if they are each going to contain model code provisions and California's amendments to the model codes. If the commission does not contract with IAPMO, it will not be able to have the model codes adopted by California published with California's amendments to these model codes. The building industry found the latter to be unworkable.

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

B. PRICE ANALYSIS

1. How was the price offered determined to be fair and reasonable?

(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

Department of General Services
Procurement Division
GSPD-09-007 (New 11/09)

Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

Complete responses must be provided for all of the following questions:

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).

- 2. What are the consequences of not having this NCB approved?**
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.

- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

STATE OF CALIFORNIA - GENERAL SERVICES PROCUREMENT DIVISION
CONTRACT ADVERTISING EXEMPTION REQUEST
 (IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 10/2005)

Government Code Section 14625 (et seq.) requires that all agreements entered into by state agencies for services shall be published in the California State Contracts Register (CSCR), unless exempted. Agreements which have been exempted by Department of General Services shall be listed in the CSCR.

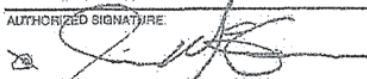

TYPE OF REQUEST (Check one) <input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)		<input type="checkbox"/> EXEMPTION FROM ADVERTISING		SERVICE TYPE <input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE		<input type="checkbox"/> IT/TELECOM RELATED SERVICES	
DEPARTMENTAL CONTACT INFORMATION PLEASE TYPE NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Dr. Ste 130 CITY, STATE, ZIP: Sacramento, CA 95833				AGENCY BILLING CODE: 30140 CONTRACT DESCRIPTION: Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24, Parts 4 and 5. TELEPHONE NUMBER (Not CALNET-Include Area Code): 916-263-1350			
CONTRACT NUMBER		AMENDMENT NUMBER (if Applicable)		CONTRACT AMOUNT		AMENDMENT AMOUNT (if Applicable)	
				\$ 0.00		CONTRACT PERIOD 07/01/2015 - 12/31/2019	
PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED		CONTRACTOR'S NAME International Association of Plumbing and Mechanical Officials (IAPMO) CONTRACTOR'S ADDRESS (Number, Street) 5001 E. Philadelphia Street (City, State, ZIP Code) Ontario, CA 91761					
		FEDERAL EMPLOYER IDENTIFICATION NUMBER					

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

EXEMPTION JUSTIFICATION (Attach additional sheets if necessary)

The California Mechanical Code (California Code of Regulations, Title 24, Part 4), and the California Plumbing Code (California Code of Regulations, Title 24, Part 5) are based on two model building codes, the Uniform Mechanical Code, and the Uniform Plumbing Code, respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

The International Association of Plumbing and Mechanical Officials (IAPMO) owns the copyrights to these two model codes; therefore, IAPMO must be the publisher of these California codes, if it they are going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the model codes cannot be published with the provisions adopted by California. The building industry found the latter to be unworkable.

AUTHORIZED SIGNATURE 		PROCUREMENT DIVISION USE ONLY	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916		ACTION TAKEN ON REQUEST <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	
DATE SIGNED 5-28-15		AUTHORIZED SIGNATURE 	
SEND TO: NAME: DEPARTMENT: DEPARTMENT OF GENERAL SERVICES DIVISION: PROCUREMENT DIVISION ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605		COMMENTS	

Department: Retain Last Copy

PRO_00255962

JA08528

STATE OF CALIFORNIA—GENERAL SERVICES PROCUREMENT DIVISION

**CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)**

STD. 821 (REV. 10/2005) REVERSE

INSTRUCTIONS

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

1. Submit the original and one copy of the completed form and all supporting documents to the Department of General Services, Procurement Division for review and action. (Attach completed, NCB Contract Justification form as applicable.)
2. All applicable elements of the Justification form must be completed or the request may be denied.
3. Do not provide the name and address of the proposed contractor unless the request is to enter into a contract on a non-competitively bid basis.
4. All requests must include comprehensive justification.
5. Non-competitively bid contract justifications must include a narrative of the efforts made to secure similar services from other sources. Refer to the State Contracting Manual Section 5.70.

GENERAL INFORMATION

It is required by statute that State agencies advertise and bid all contracts for services over \$5,000. It is the agency's responsibility to develop and adopt contracting procedures which maximize competition and effect timely and proper contract award and execution.

The STD. 821, Contract Advertising Exemption Request, allows the Department of General Services to exempt agencies from these requirements when such action is justified.

Exemption is granted by either an approved request to be exempt from advertising in the California State Contracts Register or by an approved request to enter into a contract on a non-competitively bid basis.

Definitions of Requests:

REQUEST TO BE EXEMPT FROM ADVERTISING - A bid is going to be conducted. Request is made to be exempt from the requirement of advertising in the California State Contracts Register, which is required by Government Code Section 14827 et seq. The request is made because: (1) the exemption is necessary to preserve life or state property, or (2) there is an interest to the State that is so compelling that the agency believes an exemption is warranted.

REQUEST FOR NCB CONTRACT - Request is made to be exempt from competitive bidding because: (1) there is only one supplier that can perform the service, or (2) there is an interest to the State that is so compelling that the agency believes it warrants forgoing the competitive process per Public Contract Code Sections 10348 and 10380.

Refer to the State Contracting Manual for additional information.

PRO_00255963

JA08529



MEMORANDUM

Date: May 18, 2015

To: DGS - OBAS
707 3rd Street
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I
Building Standards Commission

Subject: **Certification Requirement – NCB, IAPMO**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Mechanical Code (CMC) and California Plumbing Code (CPC) are based on two model building codes, the Uniform Mechanical Code (UMC) and the Uniform Plumbing Code (UPC) respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

IAPMO owns the copyrights to these model codes; therefore, IAPMO must be the publisher of the CMC and CPC if they are each going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the UMC and UPC could not be published with the provisions of the UMC and UPC adopted by California.

A handwritten signature in black ink, appearing to read "Katrina Benny".

Katrina Benny, Staff Services Manager I
Building Standards Commission

Excellence in the Business of Government

PRO_00255964

JA08530

Excellence in the Business of Government

PRO_00255965

JA08531

STATE OF CALIFORNIA - Office of State Publishing
SERVICE RELEASE REQUEST SPECIFICATIONS
OSP 860, NEW (07/2012)

*All fields are required (enter "N/A" if not applicable).
Fax this completed form to: 916.323.4305 or
email it to your OSP Customer Service Representative.*

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1.-12	
DUE DATE Triennial Publications	FILE READY DATE N/A

SPECIFICATIONS

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	INK Number of Colors: 4
BINDERY Binders +Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
SHIP TO Subscriptions		
MAILING INSTRUCTIONS Varies		
SPECIAL INSTRUCTIONS		

SERVICE RELEASE JUSTIFICATION

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

CONTACT INFORMATION

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

FOR OSP USE ONLY

<input type="checkbox"/> RETAIN	<input checked="" type="checkbox"/> RELEASE	<input type="checkbox"/> TIME	<input type="checkbox"/> EQUIPMENT
BY: <i>Wendy L. G. D.H.</i>			
PERSON CODE(S) (if other): <i>Copyrighted materials</i>			

PRO_00255966

JA08532

STATE OF CALIFORNIA – Office of State Publishing

SERVICE RELEASE DETERMINATION

OSP 551 REV: (1/2013)

The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.

SERVICE RELEASE INFORMATION

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

STATEMENT OF FACTS

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):

- ☐ (A) OSP does not have production time available to meet the customer's required deadline.
- ☐ (B) OSP does not have the equipment necessary to produce the requested product.
- ☐ (C) OSP does not have the expertise to successfully produce the requested product.
- ☐ (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)
- ☐ (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.
- ☒ (F) Other Copyrighted Materials

OSP VEND-OUT

☐ Yes ☒ No

OSP SERVICE RELEASE

☒ Yes ☐ No

DETAILS

PRO_00255967

JA08533

Case 1:13-cv-01215-TSC Document 204-95 Filed 11/13/19 Page 1 of 4

EXHIBIT 89

ASHRAE Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ANSI/ASHRAE/IES 90.1	2010	ANSI/ASHRAE/IESNA Standard 90.1-2010, Energy Standard for Buildings Except for Low-Rise Residential Buildings (I-P Edition)	2013	24 C.F.R. § 905.110 (2015)		<p>24 C.F.R. § 905.110, "Incorporation by reference" (2015):</p> <p>(a) Certain material is incorporated by reference into this part, with the approval of the Director of the Federal Register, under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, HUD must publish notice of change in the Federal Register and the material must be available to the public. Incorporated material is available from the sources listed below and is available for inspection at HUD's Office of Policy Development and Research, Affordable Housing Research and Technology Division, Department of Housing and Urban Development, telephone number 202-408-4370 (this is not a toll-free number). This material is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 (this is not a toll-free number) or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE., Atlanta, GA 30329 (http://www.ashrae.org/standards-research-technology/standards-guidelines).</p> <p>(1) ASHRAE 90.1-2010, "Energy Standard for Buildings Except Low-Rise Residential Buildings," copyright 2010, IBR approved for §§ 905.200(b) and 905.312(b) of this part.</p>

JA08535

ASHRAE Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ANSI/ASHRAE/IESNA 90.1	2007	ANSI/ASHRAE/IESNA Standard 90.1-2007, Energy Standard for Buildings Except for Low-Rise Residential Buildings (1-P Edition)	2013	10 C.F.R. § 433.3 (2013)		<p>10 C.F.R. § 433.3, "Materials incorporated by reference" (2013):</p> <p>(a) General. The Department of Energy incorporates by reference the energy performance standards listed in paragraph (b) of this section into 10 CFR part 433. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect DOE regulations unless and until DOE amends its energy performance standards. Material is incorporated as it exists on the date of the approval, and a notice of any change in the material will be published in the Federal Register. All approved material is available for inspection at the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586-2945. Also, this material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/lbr_locations.html.</p> <p>(b) ASHRAE. American Society of Heating Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329, (404) 636-8400; or go to, http://www.ashrae.org/.</p> <p>...</p> <p>(2) ANSI/ASHRAE/IESNA Standard 90.1-2007, ("ASHRAE 90.1-2007"), Energy Standard for Buildings Except Low-Rise Residential Buildings, 2007, ISSN 1041-2336, IBR approved for §§ 433.2, 433.4, 433.5.</p>

ASHRAE Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ANSI/ASHRAE/IESNA 90.1	2004	ANSI/ASHRAE/IESNA Standard 90.1-2004, Energy Standard for Buildings Except for Low-Rise Residential Buildings (1-P Edition)	2013	10 C.F.R. § 433.3 (2013)		10 C.F.R. § 433.3, "Materials incorporated by reference" (2013): (a) General. The Department of Energy incorporates by reference the energy performance standards listed in paragraph (b) of this section into 10 CFR part 433. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect DOE regulations unless and until DOE amends its energy performance standards. Material is incorporated as it exists on the date of the approval, and a notice of any change in the material will be published in the Federal Register. All approved material is available for inspection at the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586-2945. Also, this material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . (b) ASHRAE. American Society of Heating Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329, (404) 636-8400; or go to, http://www.ashrae.org/ . (1) ANSI/ASHRAE/IESNA 90.1-2004, ("ASHRAE 90.1-2004"); Energy Standard for Buildings Except Low-Rise Residential Buildings, January 2004, ISSN 1041-2336, IBR approved for §§ 433.2, 433.4, 433.5.
ASHRAE Handbook	1993	1993 ASHRAE Handbook: Fundamentals (1-P Edition)	2013	10 C.F.R. § 434.701 (2011)		10 C.F.R. §434.701, "General" (2011): 701.1 General. The standards, technical handbooks, papers, regulations, and portions thereof, that are referred to in the sections and subsections in the following list are hereby incorporated by reference into this part 434. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. A notice of any change in these materials will be published in the Federal Register. The standards incorporated by reference are available for inspection at the U.S. Department of Energy, Office of Energy Efficiency, Hearings and Dockets, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . The standards may be purchased at the addresses listed at the end of each standard. The following standards are incorporated by reference in this part: ... RS-4 ASHRAE, Handbook, 1993 Fundamentals Volume, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE, Atlanta, GA 30329..434.402.1.1; 434.402.1.2.1; 434.402.1.2.2; 434.402.1.2.4; 434.402.2.2.5.

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EXHIBIT 90

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A106 / A106 M	2004b	Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service	A106/A106M-15	49 C.F.R. § 192.7 (2010)		<p>49 C.F.R. § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2010):</p> <p>(a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC, 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/ codeofregulations/ibr/locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section.</p> <p>...</p> <p>... (c)(1) Incorporated by reference (IBR). List of Organizations and Addresses:</p> <p>... C. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.</p> <p>...</p> <p>... (c)(2) Documents incorporated by reference:</p> <p>... C. American Society for Testing and Materials (ASTM):</p> <p>... (2) ASTM A106/A106M-04b (2004) "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service."</p> <p>§§ 192.113; Item I, Appendix B.</p>
ASTM A184	1979	Standard Specification for Fabricated Deformed Steel Bar Mats for Concrete Reinforcement	A184/A184M - 06(2011)	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>... ASTM A 184-79 Fabricated Deformed Steel Bar Mats for Concrete Reinforcement; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A185	1979	Standard Specification for Welded Steel Wire Fabric for Concrete Reinforcement	ASTM A185/A185M-07	24 C.F.R. (Parts 200 to 499)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 185-79 Welded Steel Wire Fabric for Concrete Reinforcement; Part 200, Subpart S</p>
ASTM A203/A203M	1997	Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel	A203/A203M - 12	46 C.F.R. § 54.01-1 (2010)		<p>46 C.F.R. § 54.01-1, "Incorporation by Reference" (2010):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (2) ASTM A 203/A 203M-97, Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel ("ASTM A 203"), 54.05-20</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A242	1979	Standard Specification for High-Strength Low-Alloy Structural Steel	A242/A242M - 13	24 C.F.R. (Parts 200 to 499) 499 (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 242-79 High-Strength Low-Alloy Structural Steel; Part 200, Subpart S</p>
ASTM A285	1978	Standard Specification for Pressure Vessel Plates, Carbon Steel, Low- and Intermediate-Tensile Strength	A285/A285M - 12	49 C.F.R. § 171.7 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009);</p> <p>(a) Matter incorporated by reference— (1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter. (2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ publications.html. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>... American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, http://www.astm.org. Noncurrent ASTM Standards are available from: Engineering Societies Library, 354 East 47th Street, New York, NY 10017 ... ASTM A 285-78 Pressure Vessel Plates, Carbon Steel, Low- and Intermediate-Tensile Strength (179.300-7)</p>

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ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A307	1978e	Standard Specification for Carbon Steel Externally Threaded Standard Fasteners	A307 - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 307-78 Carbon Steel Externally Threaded Standard Fasteners; Part 200, Subpart S</p>
ASTM A325	1979	Standard Specification for High-Strength Bolts for Structural Steel Joints	A325 - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 325-79 High-Strength Bolts for Structural Steel Joints; Part 200, Subpart S</p>

JA08542

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A333 / A333M	1994	Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service	A333/A333M - 13	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(d) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/abbreviations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(25) ASTM A 333/A 333M-94, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service ("ASTM A-333" or "ASTM A 333"), 56.50-105; 56.60-1.</p>
ASTM A36	1977ae	Standard Specification for Structural Steel	A36/A36M - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Cure-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 36-77a Structural Steel; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A36 / A36M	1997ae1	Standard Specification for Carbon Structural Steel	A36/A36M - 14	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 ... (1) ASTM A 36/A 36M-97a, Standard Specification for Carbon Structural Steel ("ASTM A 36"), 56.30-10.</p>
ASTM A369 / A369M	1992	Standard Specification for Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High-Temperature Service	A369/A369M - 11	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 ... (32) ASTM A 369/A 369M-92, Standard Specification for Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High-Temperature Service ("ASTM A 369"), 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A370	1977e 2	Standard Methods and Definitions for Mechanical Testing of Steel Products	A370 - 15	46 C.F.R. § 56.01-1 (1997)		<p>46 C.F.R. § 56.01-1, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second Street SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>... American Society for Testing and Materials (ASTM) 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM A-370, Mechanical Testing of Steel Products, 1977.....54.25-20</p>
ASTM A441	1979	Standard Specification for High-Strength Low-Alloy Structural Manganese Vanadium Steel	ASTM D441 - 07(2012)	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 441-79 High-Strength Low-Alloy Structural Manganese Vanadium Steel; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A449	1978a	Standard Specification for Quenched and Tempered Steel Bolts and Studs	A449 - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 449-78a Quenched and Tempered Steel Bolts and Studs; Part 200, Subpart S</p>
ASTM A475	1978 (1984) e 1	Standard Specification for Zinc-Coated Steel Wire Strand	A475 - 03(2014)	7 C.F.R. § 1755.370 (1999)		<p>7 C.F.R. § 1755.370 RUS specification for seven wire galvanized steel strand (1999):</p> <p>(a) RUS incorporates by reference ASTM A475-78, Standard Specification for Zinc-Coated Steel Wire Strand, issued May 1978. All seven wire galvanized steel strand purchased after April 1, 1990, for use on telecommunications systems financed by RUS loan funds must conform to this standard. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on January 19, 1990. Copies of ASTM A475-78 are available for inspection during normal business hours at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, and at the Rural Utilities Service, Administrative Services Division, room 0175-S, U.S. Department of Agriculture, Washington, DC 20250, telephone 202-382-9551. Copies are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, telephone 215-299-5400.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A490	1979	Standard Specification for Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints	A490 - 14a	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 490-79 Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints; Part 200, Subpart S</p>
ASTM A496	1978	Standard Specification for Deformed Steel Wire for Concrete Reinforcement	ASTM A496/A496M-07	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 496-78 Deformed Steel Wire for Concrete Reinforcement; Part 200, Subpart S</p>

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No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A497	1979	Standard Specification for Welded Deformed Steel Wire Fabric for Concrete Reinforcement	ASTM A497/A497M - 13 07	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 497-79 Welded Deformed Steel Wire, Fabric for Concrete Reinforcement; Part 200, Subpart S
ASTM A500	1978	Standard Specification for Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes	ASTM A500/A500M - 13	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 500-78 Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes; Part 200, Subpart S

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A501	1976	Standard Specification for Hot-Formed Welded and Seamless Carbon Steel Structural Tubing	A501/A501M - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 501-76 Hot-Formed Welded and Seamless Carbon Steel Structural Tubing; Part 200, Subpart S</p>
ASTM A502	1976	Standard Specification for Steel Structural Rivets	A502 - 03(2015)	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 502-76 Steel Structural Rivets; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A514	1977	Standard Specification for High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding	A514/A514M - 14	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 514-77 High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding; Part 200, Subpart S</p>
ASTM A516/A516M	1990 (1996) et	Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate and Lower-Temperature Service	A516/A516M - 10(2015)	49 C.F.R. § 171.7 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009);</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1300 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7 in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>... American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, http://www.astm.org. Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>... ASTM A 516/A 516M-90 Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate and Lower-Temperature Service (178.337-2, 179.100-7, 179.102-1, 179.102-2, 179.102-3, 179.102-17, 179.200-7, 179.220-7, 179.300-7)</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A520	1972 (1985)	Standard Specification for Supplementary Requirements for Seamless and Electric-Resistance-Welded Carbon Steel Tubular Products for High-Temperature Service Conforming to ISO Recommendations For Boiler Construction	Withdrawn Standard: ASTM A520-97 Developed by Subcommittee: A01.09 WITHDRAWN, NO REPLACEMENT	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (37) ASTM A 520-97, Standard Specification for Supplementary Requirements for Seamless and Electric-Resistance-Welded Carbon Steel Tubular Products for High-Temperature Service Conforming to ISO Recommendations for Boiler Construction ("ASTM A 520"), 56.60-1.</p>
ASTM A522 / A522M	1995b	Standard Specification for Forged or Rolled 8 and 9 % Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service	A522/A522M - 14	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (38) ASTM A 522/A 522M-95b, Standard Specification for Forged or Rolled 8 and 9% Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service ("ASTM A-522"), 56.50-105.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A529	1975	Standard Specification for Structural Steel with 42,000 PSI (290 MPa) Minimum Yield Point (1/2 in. (12.7 mm) Maximum Thickness	ASTM A529/A529M - 14	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 529-75 Structural Steel with 42,000 PSI (290 MPa) Minimum Yield Point (1/2 in. (12.7mm) Maximum Thickness); Part 200, Subpart S
ASTM A539	1990a	Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines	Withdrawn Standard: ASTM A539-99/ Developed by Subcommittee: A01.09 D28 WITHDRAWN, NO REPLACEMENT	24 C.F.R. § 3280.4 (2004)		24 C.F.R. § 3280.4, "Incorporation by Reference" (2004): a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency. (b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410. ... ASTM—AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103 ... 3280.703, "Minimum Standards"; Heating, cooling and fuel burning appliances and systems in manufactured homes shall be free of defects, and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 3280.4) When more than one standard is referenced, compliance with any one such standard shall meet the requirements of this standard. ... STANDARD SPECIFICATION FOR ELECTRIC-RESISTANCE-WELDED COILED STEEL TUBING FOR GAS AND FUEL OIL LINES—*ASTM A539-90A.

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A570	1979	Standard Specification for Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality	Withdrawn Standard: ASTM A570/A570M 98 Developed by Subcommittee: A01.19 WITHDRAWN, REPLACED BY A1011/A1011M	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 570-79 Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality; Part 200, Subpart S
ASTM A572	1979	Standard Specification for High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality	ASTM A572/A572M - 15	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 572-79 High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality; Part 200, Subpart S

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No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A588	1979a	Standard Specification for High-Strength Low-Alloy Structural Steel with 50,000 psi Minimum Yield Point to 4 in. Thick	ASTM A588M - 15	24 C.F.R. (Parts 200 to 499)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 588-79a High-Strength Low-Alloy Structural Steel with 50,000 PSI Minimum Yield Point to 4 in. Thick, Part 200, Subpart S
ASTM A611	1972 (1979)	Standard Specification for Steel, Cold-Rolled Sheet, Carbon, Structural	Withdrawn Standard: ASTM A611-97] Developed by Subcommittee: A01.19 WITHDRAWN, REPLACED BY A1008/A1008M	24 C.F.R. (Parts 200 to 499)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 611-72 Steel, Cold-Rolled Sheet, Carbon, Structural; Part 200, Subpart S

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No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A615	1979	Standard Specification for Deformed and Plain Billet-Steel Bars for Concrete Reinforcement	A615/A615M - 15a.e1	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 615-79 Deformed and Plain Billet-Steel Bars for Concrete Reinforcement; Part 200, Subpart S</p>
ASTM A616	1979	Standard Specification for Rail-Steel Deformed and Plain Bars for Concrete Reinforcement	<p>Withdrawn Standard: ASTM A616/A616M 96a1 Developed by Subcommittee: A01.05 WITHDRAWN, REPLACED BY A996/A996M</p> <p>24 C.F.R. (Parts 200 to 499) (2005)</p>			<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 616-79 Rail-Steel Deformed and Plain Bars for Concrete Reinforcement; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A617	1979	Standard Specification for Axle-Steel Deformed and Plain Bars for Concrete Reinforcement	Withdrawn Standard: ASTM A617/A617M-96a, Developed by Subcommittee: A01.05 WITHDRAWN, REPLACED BY A996/A996M	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 617-79 Axle-Steel Deformed and Plain Bars for Concrete Reinforcement; Part 200, Subpart S
ASTM A618	1974	Standard Specification for Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing	A618/A618M - 04(2015)	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM A 618-74 Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing; Part 200, Subpart S

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM A633	1979a	Standard Specification for Normalized High-Strength Low Alloy Structural Steel	A633/A633M - 13	49 C.F.R. § 171.7 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170–189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170–189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codofcodofederalregulations/hiblocations.html. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is preshaded for information only and may not be all inclusive.</p> <p>... American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, http://www.astm.org; Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>... ASTM A 633–79a Standard Specification for Normalized High-Strength Low-Alloy Structural Steel, 1979 Edition (178.338–2)</p>
ASTM A82	1979	Standard Specification for Cold-Drawn Steel Wire for Concrete Reinforcement	Withdrawn Standard: ASTM A82/A82M-07 Developed by Subcommittee: A01.05 WITHDRAWN, REPLACED BY A1064/A1064M	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20204.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM A 82–79 Cold-Drawn Steel Wire for Concrete Reinforcement; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B111	1995	Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock	B111/B111M - 11	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofederalregulations/ibrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., S.W., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (52) ASTM B 111-95, Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock ("ASTM B 111"), 56.60-1.</p>
ASTM B122 / B 122M	1995	Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip and Rolled Bar	B122/B122M - 11	46 C.F.R. § 58.03-1 (2011)		<p>46 C.F.R. § 58.03-1, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofederalregulations/ibrlocations.html. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., S.W., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (3) ASTM B 122/B 122M-95, Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar ("ASTM B 122"), 58.50-5.</p>

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ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B124	1996	Standard Specification for Copper and Copper-Alloy Forging Rod, Bar, and Shapes	B124/B124M - 15	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/fbi/locations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (53) ASTM B 124-96, Standard Specification for Copper and Copper Alloy Forging Rod, Bar, and Shapes ("ASTM B 124"), 56.60-2.</p>
ASTM B152	1997a	Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar	B152/B152M - 13	46 C.F.R. § 58.03-1 (2011)		<p>46 C.F.R. § 58.03-1, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/fbi/locations.html. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (5) ASTM B 152-97a, Standard Specification for Copper Sheet, Strip, Plate and Rolled Bar ("ASTM B 152"), 58.50-5.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B16	1992	Standard Specification for Free-Cutting Brass Rod, Bar and Shapes for Use in Screw Machines	ASTM B16 / B16M - 10(2015)	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/locations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-52), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (42) ASTM B 16-92, Standard Specification for Free-Cutting Brass Rod, Bar, and Shapes for Use in Screw Machines ("ASTM B 16"), 56.60-2.</p>
ASTM B193	1987	Standard Test Method for Resistivity of Electrical Conductor Materials	B193 - 02(2014)	7 C.F.R. § 1755.390 (2010)		<p>7 C.F.R. § 1755.390, "RUS Specification for Filled Telephone Cables" (2010):</p> <p>(a) Scope. (1) This section covers the requirements for filled telephone cables intended for direct burial installation either by trenching or by direct plowing, for underground application by placement in a duct, or for aerial installations by attachment to a support strand.</p> <p>... (7) American Society for Testing and Materials specifications (ASTM) A 505-87, Standard Specification for Steel, Sheet and Strip, Alloy, Hot-Rolled and Cold-Rolled, General Requirements For, ASTM B 193-87, Standard Test Method for Resistivity of Electrical Conductor Materials; ASTM B 224-80, Standard Classification of Coppers; ASTM B 694-86, Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding; ASTM D 4565-90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM D 4566-90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable referenced in this section are incorporated by reference by RUS. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/locations.html. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; telephone number (215) 299-5585.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B209	1996	Standard Specification for Aluminum and Aluminum Alloy Sheet and Plate	B209 - 14	46 C.F.R. § 58.03-1 (2011)		<p>46 C.F.R. § 58.03-1, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/briflocations.html. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (6) ASTM B 209-96, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate ("ASTM B 209"), 58.50-5; 58.50-10.</p>
ASTM B21	1996	Standard Specification for Naval Brass Rod, Bar, and Shapes	ASTM B21 / B21M - 14	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/briflocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (43) ASTM B 21-96, Standard Specification for Naval Brass Rod, Bar, and Shapes ("ASTM B 21"), 56.60-2.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B21	1983b	Standard Specification for Naval Brass Rod, Bar, and Shapes	ASTM B21 / B21M - 14	46 C.F.R. § 56.01-2 (1996-2008)		<p>46 C.F.R. § 56.01-2, "Incorporation by reference" (1999):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the Federal Register and the material made available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, and is available from the sources indicated in paragraph (b).</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>... AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) ASTM INTERNATIONAL HEADQUARTERS, 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959 ... ASTM B 21-83B NAVAL BRASS ROD, BAR, AND SHAPES...56.60-2</p>
ASTM B224	1980e 1	Standard Classification of Coppers	B224 - 15	7 C.F.R. § 1755.390 (2010)		<p>7 C.F.R. § 1755.390, "RUS Specification for Filled Telephone Cables" (2010):</p> <p>(a) Scope. (1) This section covers the requirements for filled telephone cables intended for direct burial installation either by trenching or by direct plowing, for underground application by placement in a duct, or for aerial installations by attachment to a support strand.</p> <p>... (7) American Society for Testing and Materials specifications (ASTM) A 505-87, Standard Specification for Steel, Sheet and Strip, Alloy, Hot-Rolled and Cold-Rolled, General Requirements For; ASTM B 193-87, Standard Test Method for Resistivity of Electrical Conductor Materials; ASTM B 224-80, Standard Classification of Coppers; ASTM B 694-86, Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding; ASTM D 4565-90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM D 4566-90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable referenced in this section are incorporated by reference by RUS. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ndlocations.html. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; telephone number (215) 299-5585.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B280	1997	Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	B280 - 13	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (62) ASTM B 280-97, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service ("ASTM B 280"), 56.60-1.</p>
ASTM B283	1996	Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed)	B283/B283M - 14a	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (63) ASTM B 283-96, Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed) ("ASTM B 283"), 56.60-2.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B315	1993	Standard Specification for Seamless Copper Alloy Pipe and Tube	B315 - 12	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (64) ASTM B 315-93, Standard Specification for Seamless Copper Alloy Pipe and Tube ("ASTM B 315"), 56.60-1.</p>
ASTM B42	1996	Standard Specification for Seamless Copper Pipe, Standard Sizes	B42 - 15a	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (45) ASTM B 42-96, Standard Specification for Seamless Copper Pipe, Standard Sizes ("ASTM B 42"), 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B557	1984	Standard Methods of Tension Testing Wrought and Cast Aluminum and Magnesium-Alloy Products	B557 - 15	49 C.F.R. § 171.7 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference —</p> <p>(1) General. There is incorporated, by reference in parts 170–189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170–189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH–10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH–10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/brflocations.html. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, http://www.astm.org. Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM B 557–84 Tension Testing Wrought and Cast Aluminum and Magnesium-Alloy Products (178.46)</p>
ASTM B580	1979	Standard Specification for Anodized Oxide Coatings on Aluminum	B580 - 79(2014)	49 C.F.R. § 171.7 (2009)		<p>50 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference —</p> <p>(1) General. There is incorporated, by reference in parts 170–189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170–189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH–10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH–10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/brflocations.html. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, http://www.astm.org. Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM B 580–79 Standard Specification for Anodic Oxide Coatings on Aluminum, (Re-approved 2000) (173.316, 173.318, 178.338–17)</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B68	1995	Standard Specification for Seamless Copper Tube, Bright Annealed	B68/B68M - 11	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/helocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-52), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (47) ASTM B 68-95, Standard Specification for Seamless Copper Tube, Bright Annealed ("ASTM B 68"), 56.60-1.</p>
ASTM B694	1986	Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding	B694 - 13	7 C.F.R. § 1755.390 (2010)		<p>7 C.F.R. § 1755.390, "RUS Specification for Filled Telephone Cables" (2010):</p> <p>(a) Scope. (1) This section covers the requirements for filled telephone cables intended for direct burial installation either by trenching or by direct plowing, for underground application by placement in a duct, or for aerial installations by attachment to a support strand.</p> <p>... (7) American Society for Testing and Materials specifications (ASTM) A 505-87, Standard Specification for Steel, Sheet and Strip, Alloy, Hot-Rolled and Cold-Rolled, General Requirements For, ASTM B 193-87, Standard Test Method for Resistivity of Electrical Conductor Materials; ASTM B 224-80, Standard Classification of Coppers; ASTM B 694-86, Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding; ASTM D 4565-90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM D 4566-90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable referenced in this section are incorporated by reference by RUS. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/helocations.html. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; telephone number (215) 299-5585.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B75	1997	Standard Specification for Seamless Copper Tube	B75/B75M - 11	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/helllocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (48) ASTM B 75-97, Standard Specification for Seamless Copper Tube ("ASTM B 75"), 56.60-1.</p>
ASTM B85	1984	Standard Specification for Aluminum-Alloy Die Castings	B85/B85M - 14	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/helllocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM B 85-84 Aluminum-Alloy Die Castings. 56.60-2.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B858	1995	Standard Test Method for Determination of Susceptibility to Stress Corrosion Cracking in Copper Alloys Using an Ammonia Vapor Test	B858 - 06(2012)	46 C.F.R. § 56.60-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (66) ASTM B 858M-95, Standard Test Method for Determination of Susceptibility to Stress Corrosion Cracking in Copper Alloys Using an Ammonia Vapor Test ("ASTM B 858M"), 56.60-2.</p>
ASTM B88	1996	Standard Specification for Seamless Copper Water Tube	B88 - 14	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (50) ASTM B 88-96, Standard Specification for Seamless Copper Water Tube ("ASTM B 88"), 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM B96	1993	Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels	B96/B96M - 11	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/brlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... (c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... (51) ASTM B 96-93, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels ("ASTM B 96"), 56.60-2.</p>
ASTM C150	1999a	Standard Specification for Portland Cement	C150/C150M - 15	30 C.F.R. § 250.198 (2007)		<p>30 C.F.R. § 250.901, "Documents Incorporated by Reference" (2007):</p> <p>(a) MMS is incorporating by reference the documents listed in the table in paragraph (e) of this section. The Director of the Federal Register has approved this incorporation by reference according to 5 U.S.C. 552(a) and 1 CFR part 51.</p> <p>... (d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofcoderegulations/brlocations.html. You may obtain the documents from the publishing organizations at the addresses given in the following table:</p> <p>... (5) ASTM StandardsAmerican Society for Testing and Materials, 100 Bar Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959</p> <p>... ASTM Standard C 150-99, Standard Specification for Portland Cement§ 250.901(a)(13).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM C177	1997	Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded Hot-Plate Apparatus	C177 - 13	10 C.F.R. § 431.105 (2010)		<p>10 C.F.R. § 431.105, "Materials Incorporated by Reference" (2010):</p> <p>(a) The Department incorporates by reference the following test procedures into Subpart G of Part 431. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(o) and 1 CFR Part 51. Any subsequent amendment to this material by the standard-setting organization will not affect the Department test procedures unless and until the Department amends its test procedures. The Department incorporates the material as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER.</p> <p>...</p> <p>(c) Availability of references—(1) Inspection of test procedures. The test procedures incorporated by reference are available for inspection at: (i) National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federalregister.html.</p> <p>...</p> <p>(2) Obtaining copies of Standards. Anyone can purchase a copy of the standard incorporated by reference from Global Engineering Documents, 15 Inverness Way West, Englewood, CO 80112, or http://global.ihs.com/, or http://webstore.ansi.org/ansidocstore/.</p> <p>...</p> <p>(d) Reference standards—(1) General. The standards listed in this paragraph are referred to in the Department test procedures in this subpart, but they are not incorporated by reference. These sources are given here for information and guidance.</p> <p>...</p> <p>(ii) ASTM Standard Test Method C177-97, "Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus."</p>
ASTM C236	1989 (1993) e1	Standard Test Method for Steady-State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box	Withdrawn Standard: ASTM C236-89 (1993) e1 Developed by Subcommittee: C16.30 WITHDRAWN, REPLACED BY C1363	10 C.F.R. § 434.701 (2012)		<p>10 C.F.R. § 434.701, "General" (2012):</p> <p>701.1 General. The standards, technical handbooks, papers, regulations, and portions thereof, that are referred to in the sections and subsections in the following list are hereby incorporated by reference into this part 434. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 522(o) and 1 CFR part 51. A notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the U.S. Department of Energy, Office of Energy Efficiency, Hearings and Dockets, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The standards may be purchased at the addresses listed at the end of each standard. The following standards are incorporated by reference in this part:</p> <p>...</p> <p>RS-7. ASTM C 236-89 (Reapproved 1993), Test Method for Steady-State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. 434.402.1.1; 434.402.1.2.1; 434.402.1.2.2.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM C330	1999	Standard Specification for Lightweight Aggregates for Structural Concrete	C330/C330M - 14	30 C.F.R. § 250.198 (2007)		<p>30 C.F.R. § 250.901, "Documents Incorporated by Reference" (2007):</p> <p>(a) MMS is incorporating by reference the documents listed in the table in paragraph (c) of this section. The Director of the Federal Register has approved this incorporation by reference according to 5 U.S.C. 552(n) and 1 CFR part 51.</p> <p>...</p> <p>(d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. You may obtain the documents from the publishing organizations at the addresses given in the following table:</p> <p>...</p> <p>(5) ASTM StandardsAmerican Society for Testing and Materials, 100 Bar Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959</p> <p>... ASTM Standard C 330-99, Standard Specification for Lightweight Aggregates for Structural Concrete§ 250.901(a)(14).</p>
ASTM C5	1979 (1997)	Standard Specification for Quicklime for Structural Purposes	C5 - 10	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM C 5-79 Quicklime for Structural Purposes; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM C509	1984	Standard Specification for Cellular Elastomeric Preformed Gasket and Sealing Material	C509 - 06(2011)	10 C.F.R. § 440, Appendix A (2010)		<p>10 C.F.R. § 440, Appendix A, "Standards for Weatherization Materials)" (2010):</p> <p>The following standards which are not otherwise set forth in part 440 are incorporated by reference and made a part of part 440. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on April 5, 1993 and a notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/440 can be obtained from the following sources:</p> <p>... American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103; (215) 299-5400</p> <p>... Caulks and Sealants: Preformed gaskets and sealing materials ... ASTM C509- 84</p>
ASTM C516	1980 (1996) e1	Standard Specification for Vermiculite Loose Fill Thermal Insulation	C516 - 08(2013) e1	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM C 516-80 Standard Specification for Vermiculite Loose Fill Thermal Insulation (Reapproved 1985); Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM C518	1991	Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus	C518 - 15	10 C.F.R. § 431.105 (2010)		<p>10 C.F.R. § 431.105, "Materials Incorporated by Reference" (2010):</p> <p>(a) The Department incorporates by reference the following test procedures into Subpart G of Part 431. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Any subsequent amendment to this material by the standard-setting organization will not affect the Department test procedures unless and until the Department amends its test procedures. The Department incorporates the material as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER.</p> <p>... (c) Availability of references—(1) Inspection of test procedures. The test procedures incorporated by reference are available for inspection at: (i) National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... (2) Obtaining copies of Standards. Anyone can purchase a copy of the standard incorporated by reference from Global Engineering Documents, 15 Inverness Way West, Englewood, CO 80112, or http://global.ihs.com/, or http://webstore.ansi.org/ansidocstore/.</p> <p>... (d) Reference standards—(1) General. The standards listed in this paragraph are referred to in the Department test procedures in this subpart, but they are not incorporated by reference. These sources are given here for information and guidance.</p> <p>... (2) List of References. (i) ASTM Standard Test Method C518-91. "Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus."</p>
ASTM C549	1981 (1995) e 1	Standard Specification for Perlite Loose Fill Insulation	C549 - 06(2012)	24 C.F.R. § 200, Appendix A (2010)		<p>24 C.F.R. § 200, APPENDIX A TO PART 200—STANDARDS INCORPORATED BY REFERENCE IN THE MINIMUM PROPERTY STANDARDS FOR HOUSING (HUD HANDBOOK 4910.1) (2010):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, Telephone (215) 299-5400</p> <p>... ASTM C 549-81 Standard Specification for Perlite Loose Fill Insulation (Reapproved 1986)</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM C564	1970 (1982)	Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings	C564 - 14	24 C.F.R. (Parts 200 to 499) (2005)		24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005); The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024. ... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 ... ASTM C 564-70 (R 76) Rubber Gaskets for Cast Iron Soil Pipe and Fittings; Part 200, Subpart S
ASTM C720	1989 (1994) e 1	Standard Specification for Spray Applied Fibrous Insulation for Elevated Temperature	Withdrawn Standard: ASTM C720-89 (1994) e1 Developed by Subcommittee: C16.23 WITHDRAWN, NO REPLACEMENT	10 C.F.R. § 440, Appendix A (2010)		10 C.F.R. § 440, Appendix A, "Standards for Weatherization Materials)" (2010); The following standards which are not otherwise set forth in part 440 are incorporated by reference and made a part of part 440. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on April 5, 1993, and a notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/publications.html . The standards incorporated by reference in part 440 can be obtained from the following sources: ... American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103; (215) 299-5400 ... Spray applied fibrous insulation for elevated temperatureASTM C720-89.

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1072	1990 (1994) e 1	Standard Test Method for Total Sulfur in Fuel Gases	D1072 - 06(2012)	40 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-0), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_registercode_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>--</p> <p>(18) ASTM D1072-90 (Reapproved 1999), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for § 60.4415(a)(1)(ii).</p>
ASTM D1193	1977 (1983)	Standard Specification for Reagent Water	D1193 - 06(2011)	40 C.F.R. § 796.3500(b)(1)(ii) (1998-2019)		<p>40 C.F.R. § 796.3500(b)(1)(ii) (2019):</p> <p>Purity of water. Reagent-grade water (e.g., water meeting ASTM Type IIA standards or an equivalent grade) shall be used to minimize biodegradation. ASTM Type IIA water is described in ASTM D1193-77 (Reapproved 1983), "Standard Specification for Reagent Water." ASTM D1193-77 (Reapproved 1983) is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_registercode_of_federal_regulations/ibr_locations.html. This incorporation by reference was approved by the Director of the Office of the Federal Register. This material is incorporated as it exists on the date of approval and a notice of any change in this material will be published in the Federal Register. Copies of the incorporated material may be obtained from the Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Room E-543B, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001, or from the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1217	1993 (1998)	Standard Test Method for Density and Relative Density (Specific Gravity) of Liquids by Bingham Pycnometer	D1217 - 12	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC, and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(7) ASTM D1217-993 (Reapproved 1998), Standard Test Method for Density and Relative Density (Specific Gravity) of Liquids by Bingham Pycnometer, for appendix D of this part.</p>
ASTM D1246	1995 (1999)	Standard Test Method for Bromide Ion in Water	D1246 - 10	40 C.F.R. § 136.3(a) Table IB (2003)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B135, Washington, DC (Telephone: 202-566-2426), or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>...</p> <p>(b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>...</p> <p>Table IB: 11. Bromide, mg/L: TitrimetricASTM D1246-95(C).</p> <p>...</p> <p>(10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1253	1986 (1996)	Standard Test Method for Residual Chlorine in Water	D1253 - 14	40 C.F.R. § 141.131(a)(2) (2006-2008)		40 C.F.R. § 141.131(a)(2) (2008): The following documents are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be inspected at EPA's Drinking Water Docket, 1301 Constitution Avenue, NW., EPA West, Room B102, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federalregister.html . . . ASTM Methods D 1253-86 and D 1253-86 (Reapproved 1996) shall be followed in accordance with the Annual Book of ASTM Standards, Volume 11.01. American Society for Testing and Materials International, 1996 or any subsequent edition. The ASTM edition containing the IBR-approved version of the method may be used.
ASTM D1266	1998	Standard Test Method for Sulfur in Petroleum Products (Lump Method)	D1266 - 13	40 C.F.R. § 1065.1010 (2005)		40 C.F.R. § 1065.1010 "Reference materials." (2005): We have incorporated by reference the documents listed in this section. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be inspected at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federalregister.html . (a) ASTM material. Table 1 of § 1065.1010 lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428. Table 1 follows: TABLE 1 OF § 1065.1010—ASTM MATERIALS ASTM D 1266-98, Standard Test Method for Sulfur in Petroleum Products (Lump Method) 1065.210

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D129	1995	Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)	D129 - 13	42 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(8) ASTM D129-64, 78, 95, 00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §§ 60.106(j)(2), 60.335(b)(10)(i), and appendix A, Method 19, 12.5.2.2.3.</p>
ASTM D1298	1999	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method	D1298 - 12b	40 C.F.R. § 600.011 (2013)		<p>40 C.F.R. § 600.011, "Incorporation by reference" (2013):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Environmental Protection Agency must publish a notice of the change in the Federal Register and the material must be available to the public. All approved material is available for inspection at U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, (202) 202-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html and is available from the sources listed below:</p> <p>(b) American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959, (610) 832-9585, http://www.astm.org/.</p> <p>...</p> <p>(2) ASTM D1298-99 (Reapproved 2005) Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method, approved November 1, 2005, IBR approved for §§ 600.113-08(f) and (g), 600.113-12(f) and (g), 600.510-08(g), and 600.510-12(g).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1335	1967 (1972)	Standard Method of Test for Tuft Bind of Pile Floor Coverings	D1335 - 12	24 C.F.R. § 200.942 (2015)		<p>24 C.F.R. § 200.942, "Supplementary specific procedural requirements under HUD building product standards and certification program for carpet and carpet with attached cushion" (2015):</p> <p>(a) Applicable standards.</p> <p>... (v) ASTM D1335-67 (Reapproved 1972)—Standard Test Method for Tuft Bind of Pile Floor Coverings;</p> <p>... (2) These standards have been approved by the Director of the Federal Register for incorporation by reference. They are available from the...</p> <p>(ii) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103</p>
ASTM D1412	1993 (1997)	Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 Degrees Celsius	D1412/D1412M - 15	30 C.F.R. § 870.18 (1999)		<p>30 C.F.R. § 870.18, "General rules for calculating excess moisture" (1999):</p> <p>(e) The following definitions are applicable to §§ 870.19 and 870.20. ASTM standards D4596-93, Standard Practice for Collection of Channel Samples of Coal in a Mine; D5192-91, Standard Practice for Collection of Coal Samples from Core; and, D1412-93, Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 °C are incorporated by reference as published in the 1994 Annual Book of ASTM Standards, Volume 05.05. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.101 of the approval, and a notice of any change in it will be published in the FEDERAL REGISTER. You may obtain copies from the ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. A copy of the ASTM standards is available for inspection at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St., NW, Suite 700, Washington, DC.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1415	1988 (1994)	Standard Practice for Rubber Property- International Hardness	D1415 - 06(2012)	21 C.F.R. § 801.410 (2000)		21 C.F.R. § 801.410, "Use of impact-resistant lenses in eyeglasses and sunglasses" (2000): (d)(2) ... For lenses of small minimum diameter, a support tube having an outside diameter of less than 1 1/4 inches may be used. The support tube shall be made of rigid acrylic plastic, steel, or other suitable substance and shall have securely bonded on the top edge a 1/8- by 1/8-inch neoprene gasket having a hardness of 40±5, as determined by ASTM Method D 1415-88, "Standard Test Method for Rubber Property—International Hardness;" a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412-97, Standard Test Methods for Vulcanized Rubber and Thermoplastic Rubbers and Thermoplastic Elastomers—Tension and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412-68 (Both methods are incorporated by reference and are available from the American Society for Testing Materials, 100 Barr Harbor Dr., West Conshohocken, Philadelphia, PA 19380, or available for inspection at the Center for Devices and Radiological Health's Library, 9200 Corporate Blvd., Rockville, MD 10850, or at the Office of the Federal Register, 800 North Capitol St., N.W., suite 700, Washington, DC. The diameter or contour of the lens support may be modified as necessary so that the 1/8- by 1/8-inch neoprene gasket supports the lens at its periphery.
ASTM D1480	1993 (1997)	Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Bingham Pycnometer	D1480 - 12	40 C.F.R. § 75.6 (2010)		40 C.F.R. § 75.6, "Incorporation by reference" (2010): The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html . (a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19380-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106. ... (10) ASTM D1480-93 (Reapproved 1997), Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Bingham Pycnometer, for appendix D of this part

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1481	1993 (1997)	Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Lipkin Beapillary Pycnometer	D1481 - 12	40 C.F.R. § 75.6 (2008-2018)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/citations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(11) ASTM D1481-93 (Reapproved 1997), Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Lipkin Beapillary Pycnometer, for appendix D of this part.</p>
ASTM D1518	1985 (1998) et	Standard Test Method for Thermal Transmittance of Textile Materials	D1518 - 14	46 C.F.R. § 160.174-3 (2014)		<p>46 C.F.R. § 160.174-3, "Incorporation by reference" (2014):</p> <p>(a) Certain materials are incorporated by reference into this subchapter with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in paragraph (b) of the section, notice of change must be published in the Federal Register and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at Coast Guard Headquarters. Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue, SE., Washington, DC 20593-7509, Washington, DC 20593-7126.</p> <p>(b) The materials approved for incorporation by reference in this subpart are:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959.</p> <p>...</p> <p>ASTM D 1518-85 (1990), STANDARD TEST METHOD FOR THERMAL TRANSMITTANCE OF TEXTILE MATERIALS—160.174-17</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1535	1989	Standard Test Method for Specifying Color by the Munsell System	D1535 - 14	7 C.F.R. § 1755.910 (2014)		7 C.F.R. § 1755.910, "RUS specification for outside plant housings and serving area interface systems" (2014): (7) The American Society for Testing and Materials Specifications (ASTM).....ASTM D 1535-89, Standard Test Method for Specifying Color by the Munsell System; ASTM D 1654-92, Standard Test Method for Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments; ASTM D 1693-70 (Reapproved 1988), Standard Test Method for Environmental Stress-Cracking of Polyethylene Plastics; ASTM D 2197-86 (Reapproved 1991), Standard Test Method for Adhesion of Organic Coatings by Scrap Adhesion; ASTM D 2247-92, Standard Practice for Testing Water Resistance of Organic Coatings in 100% Relative Humidity; ASTM D 2565-92, Standard Practice for Operating Xenon Arc-Type Light-Exposure Apparatus With and Without Water for Exposure of Plastics; ASTM D 2565-92, Standard Test Method for Resistance of Organic Coatings to the Effects of Rapid Deformation (Impact); ASTM D 3928-89, Standard Test Method for Evaluation of Gloss or Sheen Uniformity; ASTM D 4568-86, Standard Test Methods for Evaluating Compatibility Between Cable Filling and Flooding Compounds and Polyolefin Cable Materials; ASTM G 21-90, Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi; and ASTM G 23-90, Standard Practice for Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials, referenced in this section are incorporated by reference by RUS. These incorporations by reference were approved by the Director of the Federal Register in accordance with U.S.C. 552(a) and 7 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845-S, U.S. Department of Agriculture, Washington, DC 20250-1500, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/for_locations.html . Copies are available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, telephone number (215) 299-5585.
ASTM D1552	1995	Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)	D1552 - 15	41 C.F.R. § 60.17 (2011)		40 C.F.R. § 60.17, "Incorporations by reference" (2011) : The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/for_locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (24) ASTM D1552-83, 95, 01, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §§ 60.106(j)(2), 60.335(b)(10)(i), and appendix A, Method 1, Section 12.5.2.2.3.

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1687	1992 (1996)	Standard Test Methods for Chromium in Water	D1687-12	40 C.F.R. § 136.3(a) Table IB (2003)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Suite 700, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>... (b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>... Table IB: 18. Chromium VI dissolved, mg/L; 0.45 micron filtration followed by: AA chelation-extraction or Colorimetric Diphenylcarbazide)...D1687-92(A).</p> <p>... (10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>
ASTM D1687	1986 (1994)	Standard Method of Preparing Coal Samples for Analysis	ASTM D1687-2002	41 C.F.R. § 136.3(a) Table IB (2003)		<p>41 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Suite 700, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>... (b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>... Table IB: 18. Chromium VI dissolved, mg/L; 0.45 micron filtration followed by: AA chelation-extraction or Colorimetric Diphenylcarbazide)...D1687-92(A).</p> <p>... (10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1688	1995	Standard Test Methods for Copper in Water	D1688 - 12	40 C.F.R. § 136.3(a) Table IB (2003)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B115, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>... (b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>... Table IB, 22. Copper—Total, 4 mg/L. Digestion followed by: AA direct aspiration.....D1688-95(A or B).</p> <p>... (10) Annual Book of ASTM Standards, Water and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>
ASTM D1785	1986	Standard Specification for Poly(Vinyl Chloride)(PVC) Plastic Pipe, Schedules 40, 80, and 120	D1785 - 15	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM D 1785-83 Poly(Vinyl Chloride)(PVC) Plastic Pipe, Schedules 40, 80, and 120. 56.60-25.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1835	1997	Standard Specification for Liquefied Petroleum (LP) Gases	D1835 - 13	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C7000, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(27) ASTM D1835-87, 91, 97, 03a, Standard Specification for Liquefied Petroleum (LP) Gases, IBR approved for §§ 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, and 60.41c of subpart Dc of this part.</p>
ASTM D1890	1996	Standard Test Method for Beta Particle Radioactivity of Water	D1890 - 15	40 C.F.R. § 136.3(b)(15)(xxviii) and Table IE (2012-2018)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(b) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Telephone: 202-566-2426, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: https://www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>...</p> <p>(15) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or online at http://www.astm.org.</p> <p>...</p> <p>(xxviii) ASTM D1890-96, Standard Test Method for Beta Particle Radioactivity of Water. April 1996, Table IE.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1943	1996	Standard Test Method for Alpha Particle Radioactivity of Water	D1943 - 05(2012)	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 101.02. Washington, DC (Telephone: 202-566-2426), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (b) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>... Table IE: 1. Alpha-Ton, pCi per liter...D1943-90, 96. ... (10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>
ASTM D1945	1996	Standard Test Method for Analysis of Natural Gas By Gas Chromatography	D1945 - 14	41 C.F.R. § 60.17 (2019)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2019) :</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the specified in this section, the EPA must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the EPA Document Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC, telephone number 202-566-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html...</p> <p>(74) ASTM D1945-96, Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for §60.45(f).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D1946	1990 (1994) e1	Standard Practice for Analysis of Reformed Gas by Gas Chromatography	D1946 - 90(2011)	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC, and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(15) ASTM D1946-90 (Reapproved 2006), Standard Practice for Analysis of Reformed Gas by Gas Chromatography, for appendices F and G of this part.</p>
ASTM D2013	1986 (1994)	Standard Method of Preparing Coal Samples for Analysis	D2013/D2013M - 12	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(30) ASTM D2013-72, 86, Standard Method of Preparing Coal Samples for Analysis, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2015	1996	Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter	Withdrawn Standard: ASTM D2015-001 Developed by Subcommittee: D05.21 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 60.17 (2015)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2015) :</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one specified in this section, the EPA must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the EPA Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, telephone number 202-566-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/efrincorporations.html.</p> <p>... (g) The following material is available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, http://www.astm.org.</p> <p>... (82) ASTM D2015-96, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved for §§ 60.45(f), 60.46(e), and appendix A-7 to part 60; Method 19, Section 12.5.2.1.3.</p>
ASTM D2036	1998	Standard Test Method for Cyanides in Water	D2036 - 09(2015)	40 C.F.R. § 136.3(a) Table IB (2003)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-2426, or at the Office of the Federal Register, 800 North Constitution Avenue, NW., Room B135, Washington, DC (Telephone: 202-566-2426), or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>... (b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>... Table IB: 23. Cyanide—Total, mg/L: Manual distillation with MgCl₂. D2036-98(A).</p> <p>... (10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2163	1991 (1996)	Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propane Concentrates by Gas Chromatography	D2163 - 14e1	40 C.F.R. § 1065.1010(a) and Table 1 (2005-2008)		<p>40 C.F.R. § 1065.1010 "Reference materials" (2008):</p> <p>Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 5 U.S.C. 552(a)(2). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html.</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428 or www.astm.org. Table 1 follows:):</p> <p>TABLE 1 OF § 1065.1010—ASTM MATERIALS</p> <p>... ASTM D 2163-91 (Reapproved 1996), Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propane Concentrates by Gas Chromatography 1065.720</p>
ASTM D2216	1998	Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass	D2216 - 10	40 C.F.R. § 258.41 (2014)		<p>40 C.F.R. § 258.41, "Project XL Bioreactor Landfill Projects" (2014):</p> <p>(a)(4)(iii)(A) The GCL shall be formulated and manufactured from polypropylene geotextiles and high swelling containment resistant sodium bentonite. The bentonite-geotextile liner shall be manufactured using a minimum of one pound per square foot as determined using the Standard Test Method for Measuring Mass per Unit Area of Geotextiles, ASTM D-5261-92 (reapproved in 1996). The high swelling sodium montmorillonite clay shall be at 12% moisture content as determined by the Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass, ASTM D2216-98. The Director of the Federal Register approves this incorporation by reference with 5 U.S.C. 552(a) and 1 C.F.R. part 51. These methods are available from The American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. These methods may be inspected at EPA's docket office located at Crystal Gateway, 1225 Jefferson Davis Highway, First Floor, Arlington, Virginia, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2234	1998	Standard Practice for Collection of a Gross Sample of Coal	D2234/D2234M - 10	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011):</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-0), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(33) ASTM D2234-76, 96, 97b, 98, Standard Methods for Collection of a Gross Sample of Coal, IBR approved for appendix A: Method 19, Section 12.5.2.1.1.</p>
ASTM D2247	1968 (1973)	Standard Method for Testing Coated Metal Specimens at 100 Percent Relative Humidity	D2247 - 11	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM D 2247-68 (R 73) Coated Metal Specimens at 100 Percent Relative Humidity; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2460	1997	Standard Test Method for Alpha-Particle-Emitting Isotopes of Radium in Water	D2460 - 07(2013)	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 101.102. Washington, DC (Telephone: 202-566-2426), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (b) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used ...</p> <p>Table IE: 5. (a) Radium Total pCi per liter(b) Ra, pCi per liter...D2460-90, 97.</p> <p>... (10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>
ASTM D2502	1992 (1996)	Standard Test Method for Estimation of Molecular Weight (Relative Molecular Mass) of Petroleum Oils from Viscosity Measurements	D2502 - 14	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>... (21) ASTM D2502-92 (Reapproved 1996). Standard Test Method for Estimation of Molecular Weight (Relative Molecular Mass) of Petroleum Oils from Viscosity Measurements, for appendix G of this part.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2503	1992 (1997)	Standard Test Method for Relative Molecular Mass (Molecular Weight) of Hydrocarbons by Thermoelectric Measurement of Vapor Pressure	D2503 - 92(2012)	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codoftitles/allregulations/federalregulations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(22) ASTM D2503-92 (Reapproved 1997), Standard Test Method for Relative Molecular Mass (Molecular Weight) of Hydrocarbons by Thermoelectric Measurement of Vapor Pressure, for appendix B of this part.</p>
ASTM D2505	1988 (1998)	Standard Test Method for Ethylene, Other Hydrocarbons, and Carbon Dioxide in High-Purity Ethylene by Gas Chromatography	D2505 - 88(2015)	40 C.F.R. § 98.7 (2012)		<p>40 C.F.R. § 98.7, "What standardized methods are incorporated by reference into this part?" (2012):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval, and a notice of any change in the materials will be published in the Federal Register. These materials are available for purchase at the corresponding address in this section. The materials are available for inspection at the EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC, phone (202) 566-1744 and at the National Archives and Records Administration (NARA). For information on the availability of this materials at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/federal_regulations.html.</p> <p>...</p> <p>(c) The following material is available for purchase from the American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, http://www.astm.org.</p> <p>...</p> <p>(16) ASTM D2505-88 (Reapproved 2004) Standard Test Method for Ethylene, Other Hydrocarbons, and Carbon Dioxide in High-Purity Ethylene by Gas Chromatography, IBR approved for § 98.244(b).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D257	1991	Standard Test Method for DC Resistance of Conductance of Insulating Materials	D257 - 14	7 C.F.R. § 1755.860 (1997)		7 C.F.R. § 1755.860, "RUS specification for filled buried wires" (1997); (6) American Society for Testing and Materials specifications (ASTM) ... ASTM D 257-91, Standard Test Methods for D-C Resistance or Conductance of Insulating Materials; ... referenced in this section are incorporated by reference by RUS. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250-1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies are available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, telephone number (215) 299-5585.
ASTM D2597	1994 (1999)	Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography	D2597 - 10	41 C.F.R. § 60.17 (2011)		40 C.F.R. § 60.17, "Incorporations by reference" (2011) : The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (38) ASTM D2597-94 (Reapproved 1999), Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography, approved for § 60.335(b)(9)(i).

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2622	1998	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry	D2622 - 10	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C7000, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(39) ASTM D2622-87, 94, 98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §§ 60.106(g)(2) and 60.335(b)(10)(i).</p>
ASTM D2724	1987 (1995)	Standard Test Methods for Bonded, Fused, and Laminated Apparel Fabrics	D2724 - 07(2015)	49 C.F.R. § 238 Appendix B (2010)		<p>49 C.F.R. § 238 APPENDIX B TO PART 238, "TEST METHODS AND PERFORMANCE CRITERIA FOR THE FLAMMABILITY AND SMOKE EMISSION CHARACTERISTICS OF MATERIALS USED IN PASSENGER CARS AND LOCOMOTIVE CABS"</p> <p>(a) Incorporation by reference. Certain documents are incorporated by reference into this appendix with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect a copy of each document during normal business hours at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue, SE., Washington, DC 20950 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html. The documents incorporated by reference into this appendix and the sources from which you may obtain these documents are listed below:</p> <p>(1) American Society for Testing and Materials (ASTM), 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(ii) ASTM D 2724-87, Standard Test Methods for Bonded, Fused, and Laminated Apparel Fabrics.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2777	1998	Standard Practice for Determination of Precision and Bias of Applicable Test Methods of Committee D-19 on Water	D2777 - 13	46 C.F.R. § 162.050-4 (2011)		<p>46 C.F.R. § 162.050-4, "Incorporation by reference: Where can I get a copy of the publications mentioned in this part?" (2011)</p> <p>(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 (2011) CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA), call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1379, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>(1) ASTM D2777-98, Standard Practice for Determination of Precision and Bias of Applicable Test Methods of Committee D-19 on Water ("ASTM D2777-98"), incorporation by reference approved for § 162.050-15.</p>
ASTM D287	1992 (1995)	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)	D287 - 12b	40 C.F.R. § 94.5 (2014)		<p>40 C.F.R. § 94.5, "Reference materials" (2014):</p> <p>The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the Federal Register and the material must be available to the public. All approved materials are available for inspection at the Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. In addition, these materials are available from the sources listed below.</p> <p>(a) ASTM material. Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, or by calling (877) 909-ASTM or at http://www.astm.org.</p> <p>... (4) ASTM D287-92 (Reapproved 2000), Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), IBR approved for § 94.108.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2879	1997	Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenscope	D2879 - 10	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(41) ASTM D2879-83, 96, 97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenscope, IBR approved for §§ 60.111b(0)(3), 60.116b(e)(3)(ii), 60.116b(f)(2)(i), 60.485(e)(1), and 60.485u(e)(1).</p>
ASTM D2908	1974	Standard Recommended Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography	D2908 - 91(2011)	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(43) ASTM D2908-74, 91, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, IBR approved for § 60.564(j).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D2986	1995a (1999)	Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Diocyl Phthalate) Smoke Test	Withdrawn Standard: ASTM D2986-95a(1999) Developed by Subcommittee: D22.01 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 86.1 (2008)		<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codofederalregulations/infodocuments.html. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part: (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>ASTM D2986-95a, (Renowned 1999) Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Diocyl Phthalate) Smoke Test...86.1310-2007.</p>
ASTM D3120	1996	Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry	D3120 - 08(2014)	40 C.F.R. § 80.580(b) (2001-2003)		<p>40 C.F.R. § 80.580 "What are the sampling and testing methods for sulfur?" (2003)</p> <p>...</p> <p>(b) Incorporation by reference. ASTM Standard Methods D 2622-98, "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry," D 3112-96, "Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry," D 6428-99, "Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection," and D 5453-00, "Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence," are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Section (LE-131), Room M-1500, U.S. Environmental Protection Agency, Docket No. A-99-06, 401 M Street, SW, Washington, DC 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D3173	1987 (1996)	Standard Test Method for Moisture in the Analysis Sample of Coal and Coke	D3173 - 11	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(45) ASTM D3173-73, 87, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>
ASTM D3176	1989 (1997)	Standard Practice for Ultimate Analysis of Coal and Coke	D3176 - 15	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(46) ASTM D3176-74, 89, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved for § 60.45(f)(5)(i) and appendix A: Method 19, Section 12.3.2.3.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D3177	1989 (1997)	Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke	Withdrawn Standard: ASTM D3177-02(2007) Developed by Subcommittee: D05.21 WITHDRAWN, REPLACED BY D4239	41 C.F.R. § 60.17 (2011)		40 C.F.R. § 60.17, "Incorporations by reference" (2011): The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (47) ASTM D3177-75, 89, Standard Test Method for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.
ASTM D3178	1989 (1997)	Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke	Withdrawn Standard: ASTM D3178-89(2002) Developed by Subcommittee: D05.21 WITHDRAWN, REPLACED BY D5373	41 C.F.R. § 60.17 (2011)		40 C.F.R. § 60.17, "Incorporations by reference" (2011): The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (48) ASTM D3178-73 (Reapproved 1979), 89, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved for § 60.45(f)(5)(i).

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D323	1958 (1968)	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)	D323 - 15a	29 C.F.R. § 1926.6 (2012)		<p>29 C.F.R. § 1926.6, "Incorporation by reference" (2012):</p> <p>(a) The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act. The locations where these standards may be examined are as follows:</p> <p>(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, Frances Perkins Building, Washington, DC 20210. (2) The Regional and Field Offices of the Occupational Safety and Health Administration, which are listed in the U.S. Government Manual. (b) The materials listed in paragraphs (a) through (f) of this section are incorporated by reference in the corresponding sections noted as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>...</p> <p>(i) The following material is available for purchase from the American Society for Testing and Materials (ASTM), ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959; telephone: 610-832-9585; fax: 610-832-9585; e-mail: service@astm.org; Web site: http://www.astm.org/;</p> <p>...</p> <p>(5) ASTM D323-1958 (R1968), Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for § 1926.155(m).</p>
ASTM D3236	1988 (1999)	Standard Test Method for Apparent Viscosity of Hot Melt Adhesives and Coating Materials	D3236 - 15	21 C.F.R. § 177.1520 (2013)		<p>21 C.F.R. § 177.1520, "Olefin polymers" (2013):</p> <p>(b) The basic olefin polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic olefin polymers. The optional adjuvant substances required in the production of the basic olefin polymers or finished food-contact articles may include substances permitted for such use by applicable regulations in parts 170 through 189 of this chapter. Substances generally recognized as safe in food and food packaging, substances used in accordance with a prior sanction or approval, and the following:</p> <p>...</p> <p>Petroleum hydrocarbon resins (cyclopentadiene-type), hydrogenated (CAS Reg. No. 68132-40-3) produced by the thermal polymerization of diisopentadiene and cyclohexadiene codimers (consisting of a mixture of cyclopentadiene, methyl cyclopentadiene, and C4-C5 acyclic dienes), followed by hydrogenation and having a ring-and-ball softening point of 119 °C minimum as determined by ASTM Method E 28-67 (Reapproved 1982), "Standard Test Method for Softening Point by Ring-and-Ball Apparatus," and a minimum viscosity of 3,000 centipoise, measured at 160 °C, as determined by ASTM Method D 3236-88, "Standard Test Method for Apparent Viscosity of Hot Melt Adhesives and Coating Materials," both of which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, Philadelphia, PA 19428-2959, or from the Center For Food Safety and Applied Nutrition (HFS-200), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D3246	1996	Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry	D3246 - 15	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(49) ASTM D3246-81, 92, 96, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for § 60.335(b)(10)(i).</p>
ASTM D3286	1996	Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter	Withdrawn Standard: ASTM D3286-96 Developed by Subcommittee: D05.21 WITHDRAWN, REPLACED BY D5865	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(52) ASTM D3286-85, 96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter, IBR approved for appendix A, Method 19, Section 12.5.2.1.3.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D3371	1995	Standard Test Method for Nitrites in Aqueous Solution by Gas-Liquid Chromatography	Withdrawn Standard: ASTM D3371-95 Developed by Subcommittee: D19.06 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 136.3(a) Table IF (2014)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2014):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. The methods listed in Tables IA, IB, IC, ID, IE, IF, IG, and IH are incorporated by reference, see paragraph (b) of this section ...</p> <p>... acetone/nitrite 75-05-8 1666/1671/D3371/D3695.</p> <p>... (b) The documents required in this section are incorporated by reference into this section with approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, IF, IG and IH are incorporated by reference into this regulation and may be obtained from the source identified. All costs cited are subject to change and must be verified from the indicated source.</p> <p>... (15) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or online at http://www.astm.org.</p> <p>... (xxxv) ASTM D3371-95, Standard Test Method for Nitrites in Aqueous Solution by Gas-Liquid Chromatography, February 1996, Table IF.</p>
ASTM D3454	1997	Standard Test Method for Radium-226 in Water	D3454 - 11	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal-register/code-of-regulations/ibr-locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(d) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>... Table IE: 5 (a) Radium Total pCi per liter(b) Ra, pCi per liter....Scintillation counter...D3454-91, 97.</p> <p>... (10) ASTM International, Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D3588	1998	Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels	D3588 - 98(2011)	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19380-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(3) ASTM D3588-98, Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels, for appendices D and F to this part.</p>
ASTM D3697	1992 (1996)	Standard Test Method for Antimony in Water	D3697 - 12	21 C.F.R. § 165.110 (2015)		<p>21 C.F.R. § 165.110, "Bottled water" (2015):</p> <p>(b)(2)(E) Analyses to determine compliance with the requirements of paragraph (b)(4)(iii)(A) of this section shall be conducted in accordance with an applicable method and applicable revisions to the methods listed in paragraphs (b)(4)(iii)(E)(1) through (b)(4)(iii)(E)(14) of this section and described, unless otherwise noted, in "Methods for Chemical Analysis of Water and Wastes," U.S. EPA Environmental Monitoring and Support Laboratory (EMSL), Cincinnati, OH 45258 (EPA-600/4-79-020), March 1983, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this publication are available from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5825 Port Royal Rd., Springfield, VA 22161, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>...</p> <p>(iv) Method D-3697-92—"Standard Test Method for Antimony in Water," contained in the Annual Book of ASTM Standards, vols. 11.01 and 11.02, 1995, American Society for Testing and Material, 100 Barr Harbor Dr., West Conshohocken, PA 19380, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this publication are available from American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19380, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D388	1988a	Standard Classification of Coals by Rank	D388 - 15	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(13) ASTM D388-77, 90, 91, 95, 98a, 99 (Reapproved 2004) is 1, Standard Specification for Classification of Coals by Rank, IBR approved for §§ 60.24(b)(8), 60.41 of subpart D of this part, 60.45(f)(4)(vi), 60.45(f)(4)(ii), 60.45(f)(4)(v), 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, 60.41c of subpart Y of this part, and 60.4102.</p>
ASTM D396	1998	Standard Specification for Fuel Oils	D396 - 15c	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(14) ASTM D396-78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for §§ 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, 60.111(b) of subpart K of this part, and 60.111a(b) of subpart Ka of this part.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D4057	1995e 1	Standard Practice for Manual Sampling of Petroleum and Petroleum Products	D4057 - 12	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(57) ASTM D4057-95 (Reapproved 2000), Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for § 60.4415(o)(1).</p>
ASTM D4084	1994	Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)	D4084 - 07(2012)	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(58) ASTM D4084-82, 94, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for § 60.3340(i)(1).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D413	1982 (1993) e 1	Standard Test Method for Rubber Property--Adhesion to Flexible Substrate	D413 - 98(2013)	46 C.F.R. § 160.055-1 (2014)		<p>46 C.F.R. § 160.055-1, "Incorporation by reference" (2014):</p> <p>(a) Specifications and Standards. This subpart makes reference to the following documents:</p> <p>...</p> <p>(4) Standards of ASTM:</p> <p>ASTM D 413-82 (1993), STANDARD TEST METHODS FOR RUBBER PROPERTY—ADHESION TO FLEXIBLE SUBSTRATE—160.055-3</p> <p>...</p> <p>(c) Copies on file. Copies of the specifications, standards, and plans referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Coast Guard Specification and plans may be obtained upon request from the Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7309, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7309. The Federal standards may be obtained from the General Services Administration, Federal Acquisition Service, Office of the FAS Commissioner, 200 Crystal Drive, 11th Floor, Arlington, VA 22202; telephone 703-605-5400. The Military Specifications may be obtained from the Military Specifications and Standards, Standardization Documents Order Desk, Building 4D, 700 Robbins Avenue, Philadelphia, PA 19111-5094, https://assist.daps.dla.mil/quicksearch/. The ASTM Standards may be purchased from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone 877-909-2786 or Web site http://www.astm.org.</p>
ASTM D4177	1995	Standard Practice for Automatic Sampling of Petroleum and Petroleum Products	D4177 - 15a	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011):</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(60) ASTM D4177-95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for appendix A, Method 19, Section 12.5.2.2.1.</p> <p>(61) ASTM D4177-95 (Reapproved 2000), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for § 60.441.5(a)(1).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D4239	1997e 1	Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods	D4239 - 14e2	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C7000, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(62) ASTM D4239-85, 94, 97, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>
ASTM D4268	1993	Standard Test Method for Testing Fiber Ropes	Withdrawn Standard: ASTM D4268-93 Developed by Subcommittee: D13.16. WITHDRAWN, NO REPLACEMENT	33 C.F.R. § 164.03 (2014)		<p>33 C.F.R. § 164.03, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Navigation Systems Division (CG-553), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7580, Washington, DC 20593-7580 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>... ASTM D4268-93, Standard Test Method for Testing Fiber Ropes....164.74.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D4294	1998	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry	D4294 - 10	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(36) ASTM D4294-98, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry, for addendums A and D of this part.</p>
ASTM D4329	1999	Standard Practice for Fluorescent UV Exposure of Plastics	D4329 - 13	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All applicable material is available for inspection at NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2215. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>...</p> <p>(d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax: (610) 832-9555; Web site: http://www.astm.org.</p> <p>...</p> <p>(22) ASTM D4329-99, "Standard Practice for Fluorescent UV Exposure of Plastics," approved January 10, 1999, into § 571.106.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D4420	1994	Standard Test Method for Determination of Aromatics in Finished Gasoline by Gas Chromatography	Withdrawn Standard: ASTM D4420-94(1999)e1 Developed by Subcommittee: D02.04.01 WITHDRAWN, REPLACED BY D5580	40 C.F.R. § 61.18 (2014)		40 C.F.R. § 61.18, "Incorporations by reference" (2014): The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for inspection at the corresponding address noted below, and at U.S. EPA's Air Docket at 1200 Pennsylvania Avenue, NW, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (11) ASTM D4420-94, Standard Test Method for Determination of Aromatics in Finished Gasoline by Gas Chromatography, IBR approved for § 61.67(b)(1).
ASTM D4809	1995	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method)	D4809 - 13	40 C.F.R. § 61.18 (2014)		40 C.F.R. § 61.18, "Incorporations by reference" (2014): The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for inspection at the corresponding address noted below, and at U.S. EPA's Air Docket at 1200 Pennsylvania Avenue, NW, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (13) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for § 61.245(c)(3).

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D4891	1989 (1994) E 1	Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion	D4891 - 13	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(39) ASTM D4891-89 (Reapproved 2006), Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion, for appendices D and F to this part.</p>
ASTM D4986	1998	Standard Test Method for Horizontal Burning Characteristics of Cellular Polymeric Materials	D4986 - 10	46 C.F.R. § 32.01-1 (2014)		<p>46 C.F.R. § 32.01-1, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7009. You may also inspect this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>...</p> <p>(c) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, http://www.astm.org.</p> <p>(1) ASTM D4986-98, Standard Test Method for Horizontal Burning Characteristics of Cellular Polymeric Materials, incorporation by reference approved for § 32.57-10.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D512	1989 (1999)	Standard Test Methods for Chloride Ion in Water	D512 - 12	40 C.F.R. § 136.3(a) Table IB (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 101.10. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6038, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/fbr_locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any changes to these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>... Table IB: 16. Chloride, mg/L... Trimetric; (silver nitrate) ... D512-89(99) (B) ... or ... (Mercuric nitrate)...D512-89 (99) (A). ...</p> <p>(10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>
ASTM D5257	1997	Standard Test Method for Dissolved Hexavalent Chromium in Water by Ion Chromatography	D5257 - 11	40 C.F.R. § 136.3(a) Table IB (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 101.10. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6038, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/fbr_locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any changes to these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>... Table IB: 18. Chromium VI dissolved, mg/L... Ion Chromatography...D5257-97. ...</p> <p>(10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D5373	1993 (1997)	Standard Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Laboratory Samples of Coal and Coke	D5373 - 14e1	40 C.F.R. § 75.6 (2004)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2004):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the Federal Register.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC, and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(40) ASTM D5373-93, "Standard Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Laboratory Samples of Coal and Coke," for appendix G to this part.</p>
ASTM D5489	1996a	Standard Guide for Care Symbols for Care Instructions Textile Products	D5489 - 14	16 C.F.R. § 423.8 (2014)		<p>16 C.F.R. § 423.8, "Exemptions" (2014):</p> <p>(g) The symbol system developed by the American Society for Testing and Materials (ASTM) and designated as ASTM Standard D5489-96c Guide to Care Symbols for Care Instructions on Consumer Textile Products may be used on care labels or care instructions in lieu of terms so long as the symbols fulfill the requirements of this part. In addition, symbols from the symbol system designated as ASTM Standard D5489-96c may be combined with terms so long as the symbols and terms used fulfill the requirements of this part. Provided, however, that for the 18-month period beginning on July 1, 1997, such symbols may be used on care labels in lieu of terms only if an explanation of the meaning of the symbols used on the care label in terms is attached to, or provided with, the item of textile wearing apparel. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASTM Standard D5489-96c Guide to Care Symbols for Care Instructions on Textile Products may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19380, or may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue, NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D5673	1996	Standard Test Method for Elements in Water by Inductively Coupled Plasma-Mass Spectrometry	D5673 - 15	40 C.F.R. § 444.12 (2004)		<p>40 C.F.R. § 444.12, "Monitoring Requirements" (2004):</p> <p>(b) Incorporation by reference:</p> <p>(1) Compliance with the monitoring requirements may be accomplished using approved test procedures listed in the table to this paragraph. Most of these test procedures have previously been incorporated by reference at 40 CFR 136.3(o), Table IB. The test procedures for the regulated pollutants (arsenic, cadmium, chromium (total), copper, pH, lead, mercury, TSS, silver, titanium, and zinc) listed in the table to this paragraph are also incorporated by reference into this regulation. The full texts of the test procedures listed in this paragraph are available from the sources indicated in paragraph (b)(2) of this section. In addition to those test procedures incorporated by reference at 40 CFR 136.3(a), Table IB, you may also use EPA Method 200.8, "Determination of Trace Elements in Water and Wastes by Inductively Coupled Plasma-Mass Spectrometry," from "Methods for Determination of Metals in Environmental Samples—Supplement 1," EPA-600/R-94-111, May 1994, and ASTM Method D 5673-96, "Standard Test Method for Elements in Water by Inductively Coupled Plasma—Mass Spectrometry," from 1999 Annual Book of ASTM Standards, for determination of arsenic, cadmium, chromium (total), copper, lead, silver, and zinc. The full texts of these methods are incorporated by reference into this regulation and may be obtained from the sources identified in paragraph (b)(2) of this section.</p> <p>(2) The full texts of the methods from the following references which are cited in the table in paragraph (b)(1) of this section are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the Analytical Methods Staff, Office of Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>... (3) "ANNUAL BOOK OF ASTM STANDARDS—WATER AND ENVIRONMENTAL TECHNOLOGY," SECTION 11, VOLUMES 11.01 (WATER I) AND 11.02 (WATER II), 1994, [1996] (WATER I) AND 1996 (WATER II), 1996, [1996] (WATER II) D5673-96; SEE NOTE 17], AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PA 19103.</p>
ASTM D5865	1998a	Standard Test Method for Gross Calorific Value of Coal and Coke	D5865 - 13	40 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase from the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19380-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>... (78) ASTM D5865-98, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for § 60.45(f)(5)(ii), 60.46(e)(2), and appendix A, Method 19, Section 12.5.2.1.3.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D611	1982 (1998)	Standard Test Methods for Aniline Point and Mixed Products and Hydrocarbon Solvents	D611 - 12	21 C.F.R. § 176.170 (2014)		<p>21 C.F.R. § 176.170, "Components of paper and paperboard in contact with aqueous and fatty foods" (2014):</p> <p>(b)(2) Substances identified in this paragraph (b)(2) follow:</p> <p>... Pentamethylol tetraacetate Petroleum alicyclic hydrocarbon resins, or the hydrogenated product thereof, meeting the following specifications: Softening point 97 °C minimum, as determined by ASTM method E28-67 (Reapproved 1982), "Standard Test Method for Softening Point by Ring and Ball Apparatus," aniline point 120 °C minimum, as determined by ASTM method D611-82, "Standard Test Methods for Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents," which are incorporated by reference (Copies may be obtained from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, Philadelphia, PA 19428-2959, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Specific gravity 0.96-0.99 (20 °C/20 °C). Such petroleum hydrocarbon resins (or products) produced by the catalytic polymerization of dienes and olefins from low-boiling distillates of cracked petroleum stocks that contain no material boiling over 200 °C and that meet the ultraviolet absorbance limits prescribed in § 172.880(b) of this chapter when subjected to the analytical procedure described in § 172.886(b) of this chapter, modified as follows: Treat the product as in the first paragraph under "Procedure" in § 172.250(b)(3) of this chapter. Then proceed with § 172.886(b) of this chapter, starting with the paragraph commencing with "Promptly complete transfer of the sample * * *".</p>
ASTM D6216	1998	Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications	D6216 - 12	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed below. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106. ... (79) ASTM D6216-98, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved for appendix B, Performance Specification 1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D6228	1998	Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection	D6228 - 10	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(80) ASTM D6228-98, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for § 60.334(b)(1).</p> <p>(81) ASTM D6228-98 (Reapproved 2003), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §§ 60.4360 and 60.4415.</p>
ASTM D6420	1999	Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry	D6420 - 99(2010)	40 C.F.R. § 63.14(b)(89) (2019)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2019):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St. SW., Washington, DC, telephone number 202-566, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>...</p> <p>(b) ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, http://www.astm.org; also available from ProQuest, 789 East Eisenhower Parkway, Ann Arbor, MI 48106-1346, Telephone (734) 761-4700, http://www.proquest.com.</p> <p>...</p> <p>(89) ASTM D6420-99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.5799, 63.5800, and Table 4 of Subpart UUUU.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D6503	1999	Standard Test Method for Enterococci in Water Using Enterolert	D6503 - 14	40 C.F.R. § 136.3(a) Table IA (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 101.102. Washington, DC (Telephone: 202-566-2426), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (b) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>... Table IA: 7. Enterococci, number per 100 mL. 20...MPN 7.9, multiple tube/multiple well...D6503-99 10. ... (10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or http://www.astm.org. Tables IA, IB, IC, ID, IE, IF, IG, and IH.</p>
ASTM D665	1998e 1	Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water	D665 - 14e1	46 C.F.R. § 61.03-1 (2014)		<p>46 C.F.R. § 61.03-1, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters, Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2705 Martin Luther King Jr. Avenue SW, Washington, DC 20593-7509. The material is also available from the sources indicated in paragraph (b) of this section or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959. ASTM D 665-98, STANDARD TEST METHOD FOR RUST-PREVENTING CHARACTERISTICS OF INHIBITED MINERAL OIL IN THE PRESENCE OF WATER</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D814	1995	Standard Test Method for Rubber Property--Vapor Transmission of Volatile Liquids	D814-95(2014)	40 C.F.R. § 1051.810 (2007)		<p>40 C.F.R. § 1051.810, "What materials does this part reference?" (2007):</p> <p>Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 5 U.S.C. 552(c) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA) and obtain information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/efrlocations.html.</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or www.astm.com. Table 1 follows:</p> <p>TABLE 1 OF § 1051.810—ASTM MATERIALS</p> <p>...</p> <p>ASTM D814-95 (reapproved 2000), Standard Test Method for Rubber Property Vapor Transmission of Volatile Liquids..... 1051.245</p>
ASTM D86	2007	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure	D86 - 15	40 C.F.R. § 80.47(r) (2017)		<p>(r) Materials incorporated by reference. The published materials identified in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the FEDERAL REGISTER and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/efrlocations.html. In addition, these materials are available from the sources listed below.</p> <p>(1) ASTM International material. The following standards are available from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, (877) 909-ASTM, or http://www.astm.org.</p> <p>(i) ASTM D86-07, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, approved January 15, 2007 ("ASTM D86").</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D975	1998b	Standard Specification for Diesel Fuel Oils	D975 - 15c	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-0), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(15) ASTM D975-78, 96, 98a, Standard Specification for Diesel Fuel Oils, IBR approved for §§ 60.111(b) of subpart K of this part and 60.111(ad) of subpart Ka of this part.</p>
ASTM D975	2007	Standard Specification for Diesel Fuel Oils	D975 - 15c	40 C.F.R. § 1065.1010 (2011)		<p>40 C.F.R. § 1065.1010, "Reference materials" (2011):</p> <p>Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 5 U.S.C. 552(a)(2). Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428 or www.astm.com. Table 1 follows:</p> <p>...</p> <p>ASTM D975-07b, Standard Specification for Diesel Fuel Oils</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM D976	1991 (1995) e 1	Standard Test Methods for Calculated Cetane Index of Distillate Fuels	D976 - 06(2011)	40 C.F.R. § 92.5 (2004)		<p>40 C.F.R. § 92.5, "Reference materials" (2004);</p> <p>a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part:</p> <p>(1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of the part, other than this section, in which the matter is referenced. The second column is presented for information only and may not be all inclusive of the most recent versions of these standards may be used with advance approval of the Administrator. Copies of these materials may be obtained from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. The table follows:</p> <p>...</p> <p>ASTM D 976-91, Standard Test Method for Calculated Cetane Index of Distillate Fuels ... § 92.113.</p>
ASTM E11	1995	Standard Specification for Wire Cloth and Sieves for Testing Purposes	E11 - 15	33 C.F.R. § 159.4 (2014)		<p>33 C.F.R. § 159.4, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Engineering Division, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593-7102, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959.</p> <p>ASTM E 11-95, STANDARD SPECIFICATION FOR WIRE CLOTH AND SIEVES FOR TESTING PURPOSES—159.125</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E1337	1990 (1996)	Standard Test Method for Determining Longitudinal Peak Braking Coefficient of Paved Surfaces Using a Standard Reference Test Tire	E1337 - 90(2012)	49 C.F.R. § 571.126 (2007-2009)		<p>49 C.F.R. § 571.126 (2008):</p> <p>S3.2 Incorporation by reference. ASTM E1337-90 (Reapproved 1996), Standard Test Method for Determining Longitudinal Peak Braking Coefficient of Paved Surfaces Using a STD Reference Test Tire, and ASTM E1136-93 (1993), Standard Specification for a Radial Standard Reference Test Tire, are incorporated by reference in S62.2.2 of this section. The Director of the Federal Register has approved the incorporation by reference of this material in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of ASTM E1337-90 (rev. 1996) and ASTM E1136-93 (1993) may be obtained from the ASTM Web site at http://www.astm.org, or by contacting ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. Copies of ASTM E1337-90 (Reapproved 1996) and ASTM E1136-93 (1993) may be inspected at NHTSA's Office of Rulemaking, 400 Seventh Street, SW., Washington, DC 20590, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/fedlocations.html.</p>
ASTM E145	1994e 1	Standard Specification for Gravity-Convection and Forced-Ventilation Ovens	E145 - 94(2011)	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(o) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the National Archives and Records Administration Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_regulations/fed_locations.html.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(34) E145-94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for § 63.4581, appendix A.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E154	1968 (1979) e 1	Standard Methods of Testing Materials for Use as Vapor Barriers Under Concrete Slabs and as Ground Cover in Crawl Spaces	E154/E154M - 08a(2013)e1	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Core-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM E 154-68 Materials for Use as Vapor Barriers Under Concrete Slabs and as Ground Cover in Crawl Spaces; Part 200, Subpart S</p>
ASTM E1625	1994	Standard Test Method for Determining Biodegradability of Organic Chemicals in Semi-Continuous Activated Sludge (SCAS)	Withdrawn Standard: ASTM E1625-94(2008) Developed by Subcommittee: E47.04 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 799.5085 (2013)		<p>40 C.F.R. § 799.5085 (2013):</p> <p>(h) How must I conduct my testing? (1) The tests that are required for each chemical substance are indicated in Table 2 in paragraph (j) of this section. The test methods that must be followed are provided in Table 3 in paragraph (j) of this section. You must proceed in accordance with these test methods as required according to Table 3 in paragraph (j) of this section, or as appropriate if more than one alternative is allowed according to Table 3 in paragraph (j) of this section. Included in Table 3 in paragraph (j) of this section are the following 11 methods which are incorporated by reference:</p> <p>... (vii) Standard Test Method for Determining Biodegradability of Organic Chemicals in Semi-Continuous Activated Sludge (SCAS), ASTM E 1625-94. (Reapproved 2001)</p> <p>... (2) The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the ASTM guidelines from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959, and a copy of the ISO guideline from the International Organization for Standardization, Case Postale, 56 CH-1211 Geneva 20 Switzerland. You may inspect each test method at the EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW, Washington, DC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E168	1988	Standard Practices for General Techniques of Infrared Quantitative Analysis	Withdrawn Standard: ASTM E168-06 Developed by Subcommittee: E13.03 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 260.11 (2011)		<p>40 C.F.R. § 260.11, "References" (2011):</p> <p>(a) When used in parts 260 through 268 and 278 of this chapter, the following publications are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies may be inspected at the Library of Environmental Protection Agency, 1200 Pennsylvania Ave., NW, (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federallocations.html.</p> <p>(b) The following materials are available for purchase from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(7) ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," IBR approved for §264.1063.</p>
ASTM E169	1987	Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis	E169 - 04(2014)	40 C.F.R. § 260.11 (2011)		<p>40 C.F.R. § 260.11, "References" (2011):</p> <p>(a) When used in parts 260 through 268 and 278 of this chapter, the following publications are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies may be inspected at the Library of Environmental Protection Agency, 1200 Pennsylvania Ave., NW, (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/federallocations.html.</p> <p>(b) The following materials are available for purchase from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(8) ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," IBR approved for §264.1063.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E1719	1997	Standard Test Method for Vapor Pressure of Liquids by Ebulliometry	E1719 - 12	40 C.F.R. § 799.5085 (2013)		<p>40 C.F.R. § 799.5085 (2013):</p> <p>(h) How must I conduct my testing? (1) The tests that are required for each chemical substance are indicated in Table 2 in paragraph (j) of this section. The test methods that must be followed are provided in Table 3 in paragraph (j) of this section. You must proceed in accordance with these test methods as required according to Table 3 in paragraph (j) of this section, or as appropriate if more than one alternative is allowed according to Table 3 in paragraph (j) of this section. Included in Table 3 in paragraph (j) of this section are the following 11 methods which are incorporated by reference:</p> <p>...</p> <p>(ix) Standard Test Method for Vapor Pressure of Liquids by Ebulliometry, ASTM E 1719-97.</p> <p>...</p> <p>(2) The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the ASTM guidelines from the American Society for Testing and Materials, 100 Bar Harbor Dr., West Conshohocken, PA 19380-2959, and a copy of the ISO guideline from the International Organization for Standardization, Case Postale, 56 CH-1211 Geneva 20 Switzerland. You may inspect each test method at the EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p>
ASTM E185	1982	Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels	E185 - 15e1	10 C.F.R. § 50 App. H (2014)		<p>10 C.F.R. § 50 Appendix H, "Reactor Vessel Material Surveillance Program Requirements" (2014):</p> <p>I. Introduction</p> <p>The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel's belline region of light water nuclear power reactors which result from exposure of these materials to neutron irradiation and the thermal environment. Under the program, fracture toughness test data are obtained from material specimens exposed in surveillance capsules, which are withdrawn periodically from the reactor vessel. These data will be used as described in section IV of appendix G to part 50.</p> <p>ASTM E 185-73, "Standard Recommended Practice for Surveillance Tests for Nuclear Reactor Vessels"; ASTM E 185-79, "Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels"; and ASTM E 185-82, "Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels", which are referenced in the following paragraphs, have been approved for incorporation by reference by the Director of the Federal Register. Copies of ASTM E 185-73, -79, and -82, may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103 and are available for inspection at the NRC Library, 11542 Rockville Pike, Two White Flint North, Rockville, MD 20852-2738.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E23	1982	Standard Test Methods for Notched Bar Impact Testing of Metallic Materials	E23 - 12c	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/locations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM E 23-82 Notched Bar Impact Testing of Metallic Materials, 56.50-105.</p>
ASTM E260	1996	Standard Practice for Packed Column Gas Chromatography	E260 - 96(2011)	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(o) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the National Archives and Records Administration Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_regulations/locations.html.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>... (18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E283	1991 (1999)	Standard Test Method for Determining Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Differences Across the Specimen	E283 - 04(2012)	10 C.F.R. § 434.701 (2012)		<p>10 C.F.R. § 434.701, "General" (2012):</p> <p>701.1 General. The standards, technical handbooks, papers, regulations, and portions thereof, that are referred to in the sections and subsections in the following list are hereby incorporated by reference into this part 434. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the U.S. Department of Energy, Office of Energy Efficiency, Hearings and Dockets, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ or http://www.archives.gov/federalregister/codeofregulations/. The following standards are incorporated by reference in this part:</p> <p>-- ASTM E 283-91, Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Difference Across the Specimen, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.....434.402.2; 434.402.2.1.</p>
ASTM E29	1993a	Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications	E29 - 13	40 C.F.R. § 86.1 (2008)		<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ or http://www.archives.gov/federalregister/codeofregulations/. The following materials are incorporated by reference in this part. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part. (1) ASTM material. The following tables set forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM E29-93a, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications....86.098-15; 86.004-15; 86.007-11; 86.007-11; 86.007-11; 86.1803-01; 86.1823-86.1824-01; 86.1825-01; 86.1837-01.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E29	1990	Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications	E29 - 13	40 C.F.R. § 86.1 (2008)		<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part. (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the material is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM E29-90, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications...86.609-84; 86.609-96; 86.609-97; 86.609-98; 86.1009-84; 86.1009-90; 86.1442; 86.1708-99; 86.1709-99; 86.1710-99; 86.1728-99.</p>
ASTM E408	1971	Standard Methods of Test for Total Normal Emission of Surfaces Using Inspection-Meter Techniques	E408 - 13	16 C.F.R. § 460.5 (2014)		<p>16 C.F.R. § 460.5, "R-value Tests" (2014):</p> <p>R-value measures resistance to heat flow. R-values given in labels, fact sheets, ads, or other promotional materials must be based on tests done under the methods listed below. They were designed by the American Society of Testing and Materials (ASTM). The test methods are:</p> <p>...</p> <p>(b) Single sheet systems of aluminum foil must be tested with ASTM E 408-71 (Reapproved 2002), "Standard Test Methods for Total Normal Emission of Surfaces Using Inspection-Meter Techniques," or ASTM C 1371-04a, "Standard Test Method for Determination of Emission of Materials Near Room Temperature Using Portable Emissometers." This tests the emissivity of the foil—its power to radiate heat. To get the R-value for a specific emissivity level, air space, and direction of heat flow, use the tables in the most recent edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Fundamentals Handbook, if the product is intended for applications that meet the conditions specified in the tables. You must use the R-value shown for 50 degrees Fahrenheit, with a temperature differential of 30(degrees) Fahrenheit.</p> <p>...</p> <p>(c) The standards listed above are incorporated by reference into this section. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Federal Trade Commission, Consumer Response Center, Room 130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies of materials and standards incorporated by reference may be obtained from the issuing organizations listed in this section.</p> <p>(1) The American Society of Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E424	1971	Standard Methods of Test for Solar Energy Transmittance and Reflectance (Terrestrial) of Sheet Materials	E424 - 71(2015)	24 C.F.R. (Parts 200 to 499)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ANSI/ASTM E 424-71 Test for Solar Energy Transmittance and Reflectance (Terrestrial) of Sheet Materials; Part 200, Subpart S</p>
ASTM E606	1980	Standard Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing	E606 / E606M - 12	24 C.F.R. (Parts 200 to 499)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards II" (2005);</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM E 606-80, Standard Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing, 200.946.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E681	1985	Standard Test Method for Concentration Limits of Flammability of Chemicals	E681 - 09(2015)	49 C.F.R. § 171.7 (2002)		<p>49 C.F.R. § 171.7, "Reference material" (2002):</p> <p>(a) Matter incorporated by reference—(1) General. There is incorporated, by reference in parts 170–189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170–189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at:</p> <p>(i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, Room 8422, NASSIF Building, 400 7th Street, SW., Washington, DC 20590; and (ii) The Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.</p> <p>(3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the materials are available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>... American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428 Noncurrent ASTM Standards are available from: Engineering Societies Library, 354 E. 47th Street, New York, NY 10017-1155</p> <p>... ASTM E 681–85 Standard Test Method for Concentration Limits of Flammability of Chemicals 173.115</p>
ASTM E695	1979 (1997) e 1	Standard Method of Measuring Relative Resistance of Wall, Floor, and Roof Construction to Impact Loading	E695 - 03(2015)e1	25 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards II" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>... American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>... ASTM E 695–79 (Reapproved 1991), Standard Method of Measuring Relative Resistance of Wall, Floor and Roof Construction to Impact Loading, 200.946.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E711	1987 (1992)	Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter	Withdrawn Standard: ASTM E711-87(2004) Developed by Subcommittee: D34.03 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(d) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(d) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the National Archives and Records Administration Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>(50) ASTM E711-87 (Reapproved 2004) Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter, approved August 28, 1987, IBR approved for table 6 to subpart DDDDD of this part and table 5 to subpart JJJJJ of this part.</p>
ASTM E72	1980	Standard Methods of Conducting Strength Tests of Panels for Building Construction	E72 - 15	30 C.F.R. § 75.333 (2014)		<p>30 C.F.R. § 75.333, "Ventilation controls" (2014):</p> <p>(e)(1)(i) Except as provided in paragraphs (e)(2), (e)(3) and (e)(4) of this section all overcasts, undercasts, shaft partitions, permanent stoppings, and regulators, installed after June 10, 1996, shall be constructed in a traditionally accepted method and of materials that have been demonstrated to perform adequately or in a method and of materials that have been tested and shown to have a minimum strength equal to or greater than the traditionally accepted in-mine controls. Tests may be performed under ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" (Section 12—Transverse Load—Specimen Vertical, load, only), or the operator may conduct comparative in-mine tests. In-mine tests shall be designed to demonstrate the comparative strength of the proposed construction and a traditionally accepted in-mine control. The publication ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health district office, or at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209-3939, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959; http://www.astm.org. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E773	1997	Standard Test Method for Accelerated Weathering of Sealed Insulating Glass Units	Withdrawn Standard: ASTM E773-01 Developed by Subcommittee: E06.22 WITHDRAWN, NO REPLACEMENT	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>... ASTM—AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103 ... (28) ASTM E 773-97, Standard Test Methods for Accelerated Weathering of Sealed Insulating Glass Units, IBR approved for § 3280.403(d).</p>
ASTM E774	1997	Standard Specifications for the Classification of the Durability of Sealed Insulating Glass Units	Withdrawn Standard: ASTM E774-97 Developed by Subcommittee: E06.22 WITHDRAWN, NO REPLACEMENT	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>... ASTM—AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103 ... (29) ASTM E 774-97, Standard Specification for the Classification of the Durability of Sealed Insulating Glass Units, IBR approved for § 3280.403(d).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E775	1987 (1992)	Standard Test Methods for Total Sulfur in the Analysis Sample of Refuse-Derived Fuel	E775 - 15	40 C.F.R. § 49.123 (2014)		<p>40 C.F.R. § 49.123, "General provisions" (2014):</p> <p>(c) Incorporation by reference. The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, or are available for inspection at EPA's Air and Radiation Docket and Information Center, located at 1301 Constitution Avenue, NW, Room B102, Washington, D.C. 20004, at EPA Region 10, Office of Air, Waste, and Toxics, 10th Floor, 1200 Sixth Avenue, Seattle, Washington 98101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(1) The materials listed below are available for purchase from at least one of the following addresses: ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(xiii) ASTM E775-87(Reapproved 2004), Standard Test Methods for Total Sulfur in the Analysis Sample of Refuse-Derived Fuel, IBR approved for § 49.130(e)(3).</p>
ASTM E776	1987 (1992)	Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel	E776 - 87(2009)	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(51) ASTM E776-87 (Reapproved 2009) Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel, approved July 1, 2009, IBR approved for table 6 to subpart DDDDD of this part.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM E885	1988	Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy	Withdrawn Standard: ASTM E885-88(2004) Developed by Subcommittee: D34.03 WITHDRAWN, NO REPLACEMENT	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(d) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the National Archives and Records Administration, 8601 Adelphi Road, Springfield, VA 22151-4302, or at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>... (55) ASTM E885-88 (Reapproved 1996), Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy, 1 IBR approved for table 6 to subpart DDDDD of this part 63.</p>
ASTM E96	1995	Standard Test Methods for Water Vapor Transmission of Materials	E96/E96M - 15	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>... ASTM—AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103 ... (26) ASTM E 96-95 Standard Test Methods for Water Vapor Transmission of Materials, 1BR approved for § 3280.504(a).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1003	1986 (1992)	Standard Specification for Searchlights on Motor Lifeboats	F1003 - 02(2012)e1	46 C.F.R. § 199.05 (2014)		<p>46 C.F.R. § 199.05, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at Coast Guard Headquarters. Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509. You may also contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM) 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1003-86 (1992), Standard Specification for Searchlights on Motor Lifeboats 199.175</p>
ASTM F1006	1986 (1997)	Standard Specification for Entrainment Separators for Use in Marine Piping Applications	F1006 - 86(2014)e1	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofederalregulations/ibrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1006-86 Entrainment Separators for Use in Marine Piping Applications. 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1007	1986 (1990) e1	Standard Specification for Pipe-Line Expansion Joints of the Packed Slip Type for Marine Application	F1007 - 86(2014)	46 C.F.R. § 56.01-2 (2004)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available for inspection at Coast Guard Headquarters, Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509. You may also contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/locations.html.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>... American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM F 1007-86 (1996), Standard Specification for Pipe-Line Expansion Joints of the Packed Slip Type for Marine Application.....56.60-1</p>
ASTM F1014	1992	Standard Specification for Flashlights on Vessels	F1014 - 02(2012)e1	46 C.F.R. § 199.05 (2014)		<p>46 C.F.R. § 199.05, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at Coast Guard Headquarters, Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509. You may also contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/locations.html.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM) 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1014-92, Standard Specification for Flashlights on Vessels 199.175.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F 1020	1986 (1990) e 1	Standard Specification for Line-Blind Valves for Marine Applications	F 1020 - 86(2011)	46 C.F.R. § 56.01-2 (2004)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available from the sources indicated in paragraph (b) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/br/locations.html.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>... American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM F 1020-86 (1996), Standard Specification for Line-Blind Valves for Marine Applications56.60-1</p>
ASTM F 1120	1987 (1998)	Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications	F 1120 - 87(2015)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available from the sources indicated in paragraph (b) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federalregister/codeofregulations/br/locations.html.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>... American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM F 1120-87 (1993), Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications56.60-1</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1121	1987 (1998)	Standard Specification for International Shore Connections for Marine Fire Applications	F1121 - 87(2015)	46 C.F.R. § 193.01-3 (2014)		<p>46 C.F.R. § 193.01-3, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attention: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509; telephone 202-372-1405. The material is also available from the sources listed below.</p> <p>(b) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, http://www.astm.org.</p> <p>(1) ASTM F1121-87 (Reapproved 2010), Standard Specification for International Shore Connections for Marine Fire Applications, (approved March 1, 2010), incorporation by reference approved for § 193.10-10.</p>
ASTM F1122	1987 (1998)	Standard Specification for Quick Disconnect Couplings	F1122 - 04(2015)e1	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126; telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. Also, it is available from the sources indicated in this section.</p> <p>... (c) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ... (4) ASTM F1122-87 (Reapproved 1992), Standard Specification for Quick Disconnect Couplings ("ASTM F1122"), IBR approved for § 154.500(d).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1123	1987 (1998)	Standard Specification for Non-Metallic Expansion Joints	F1123 - 87(2015)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1123-87 Non-Metallic Expansion Joints for Use in Marine Piping Applications. 56.60-1.</p>
ASTM F1139	1988 (1998)	Standard Specification for Steam Traps and Drains	F1139 - 88(2015)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1139-88 Steam Traps and Drains. 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1155	1998	Standard Practice for Selection and Application of Piping System Materials	F1155 - 10(2015)	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW, Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(5) ASTM F1155-98, Standard Practice for Selection and Application of Piping System Materials ("ASTM F1155"), IBR approved for Appendix A, 7.1, 8.4 to part 154.</p>
ASTM F1172	1988 (1998)	Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type	F1172 - 88(2015)e1	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofederalregulations/ibrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 1172-88 Fuel Oil Meters of the Volumetric Positive Displacement Type. 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1173	1995	Standard Specification for Thermosetting Resin Fiberglass Pipe and Fittings to be Used for Marine Applications	F1173 - 01(2012)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(d) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1173-95 Epoxy Resin Fiberglass Pipe and Fittings to be Used for Marine Applications. 56.60-1; 56.60-25.</p>
ASTM F1193	2006	Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices	F1193 - 14	40 C.F.R. § 799.5087 (2014)	<p>Va. 13 VAC 5-31-40 (2010)</p> <p>Ind. 685 IAC 1-2-9</p> <p>Fla. FAC 5F-8.0011</p> <p>Colo. 7 C.C.R. 1101-12</p> <p>Mass. 520 CMR 5.01</p> <p>Term. Comp. R. & Regs. 0800-03-04</p>	<p>40 C.F.R. § 799.5087, "Chemical testing requirements for second group of high production volume chemicals (HPV2)" (2014):</p> <p>(h) How must I conduct my testing? (1) The tests that are required for each chemical substance are indicated in Table 2 in paragraph (j) of this section. The test methods that must be followed are provided in Table 3 in paragraph (j) of this section. You must proceed in accordance with these test methods as required according to Table 3 in paragraph (j) of this section, or as appropriate if more than one alternative is allowed according to Table 3 in paragraph (j) of this section. Included in Table 3 in paragraph (j) of this section are the following 18 test methods which are incorporated by reference:</p> <p>... (vi) Standard Guide for Conducting Daphnia Magna Life-Cycle Toxicity Tests, ASTM E 1193-97 (Reapproved 2004), approved April 1, 2004.</p> <p>... (2) The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the ASTM test methods from the American Society for Testing and Materials, 100 Bar Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, telephone number: (610) 832-9585, web address: http://www.astm.org; copy of the ISO test methods from the International Organization for Standardization, 1, ch. de la Voie-Creuse, Case postale, 56 CH-1211 Geneva 20 Switzerland, telephone number: +41 22 749 01 11, web address: http://www.iso.org; and a copy of the OECD guideline from the Organization for Economic Cooperation and Development, 2, rue André Pascal, 75775 Paris Cedex 16 France, telephone number: +33 1 45 24 82 00, web address: http://www.oecd.org. You may inspect each test method and guideline at the EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW, Washington, DC 20004, telephone number: (202) 566-1744, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1196	1994	Standard Specification for Sliding Watertight Door Assemblies	F1196 - 00(2013)	46 C.F.R. § 174.005 (2010)		<p>46 C.F.R. § 174.007, "Incorporation by reference" (2010):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW, Stop 7126, Washington, DC 20593-7126 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/fbr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959. ASTM F 1196-94, STANDARD SPECIFICATION FOR SLIDING WATERTIGHT DOOR ASSEMBLIES—174.100</p>
ASTM F1197	1989 (1994) e 1	Standard Specification for Sliding Watertight Door Control Systems	F1197 - 00(2012)	46 C.F.R. § 174.100 (2002)		<p>46 C.F.R. § 174.007, "Incorporation by reference" (2002):</p> <p>a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second Street SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959. ... ASTM F 1197-89 (1994), STANDARD SPECIFICATION FOR SLIDING WATERTIGHT DOOR CONTROL SYSTEMS—174.100</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1199	1988 (1998)	Standard Specification for Cast (All Temperatures and Pressures) and Welded Pipe Line Strainers (150 psig and 150 Degrees F Maximum)	F1199 - 88(2015)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1199-88 Cast and Welded Pipe Line Strainers. 56.60-1.</p>
ASTM F1200	1988 (1998)	Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150°F)	F1200 - 88(2010)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/cfrlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1200-88 Fabricated (Welded) Pipe Line Strainers. 56.60-1.</p>

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ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1201	1988 (1998)	Standard Specification for Fluid Conditioner Fittings in Piping Applications Above Zero Degrees F	F1201 - 88(2010)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofcoderegulations/locations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>... American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>... ASTM F 1201-88 Fluid Conditioner Fittings in Piping Applications Above 0° F. 56.60-1.</p>
ASTM F1271	1990 (1995) e 1	Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment	F1271 - 90(2012)	46 C.F.R. § 39.10-5 (2009)		<p>46 C.F.R. § 39.10-5, "Incorporation by reference" (2009):</p> <p>(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one specified in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/locations.html. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part, and the sections affected are:</p> <p>... American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>ASTM F 1271-90 (1995)—Standard Specification for Spill Valves for Use in Marine Tank Liquid Overpressure Protection Applications...39.20-9</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1273	1991 (1990 e1)	Standard Specification for Tank Vent Flame Arresters	F1273 - 91(2013)	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW, Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(6) ASTM F1273-91 (Reapproved 2007) Standard Specification for Tank Vent Flame Arresters ("ASTM F1273"), approved December 1, 2007, IBR approved for §§ 154.2001 and 154.2105(j).</p>
ASTM F1321	1992	Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine Light Ship Displacement and Centers of Gravity of a Vessel	F1321 - 14	46 C.F.R. § 28.40 (2011)		<p>46 C.F.R. § 28.40, "Incorporation by reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ASTM F 1321-92, Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine the Light Ship Displacement and Centers of Gravity of a Vessel., 28.335</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1323	1998	Standard Specification for Shipboard Incinerators	F1323 - 14	46 C.F.R. § 63.05-1 (2005)		<p>46 C.F.R. §63.05-1, "Incorporation by reference" (2005):</p> <p>(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one specified in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>... AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959 ASTM F 1323-98, STANDARD SPECIFICATION FOR SHIPBOARD INCINERATORS...63.25-9</p>
ASTM F1471	1993	Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air-Filter System	F1471 - 09	40 C.F.R. § 86.1 (2008)		<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/ibrlocations.html. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part: (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the material is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>... ASTM F1471-93, Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air-Filter System...86.1310-2007.</p>

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ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1546 / F1546M	1996	Standard Specification for Fire Hose Nozzles	F1546 - 96(2012)	46 C.F.R. § 162.027-1 (2004)		<p>46 C.F.R. § 162.027, "Incorporation by reference" (2004):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA) and at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second Street SW, Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codofederalregulations/brlocations.html.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM) 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ASTM F 1546 [or] F 1546 M-96, Standard Specification for Firehose Nozzles—162.027-2; 162.027-3</p>
ASTM F1548	1994	Standard Specification for the Performance of Fittings for Use with Gasketed Mechanical Couplings Used in Piping Applications	F1548 - 01(2012)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codofederalregulations/brlocations.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW, Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 ... ASTM F 1548-94 Standard Specification for Performance of Fittings for Use with Gasketed Mechanical Couplings for Use in Piping Applications. 56.30-35.</p>

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ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1950	1999	Standard Specification for Physical Information to be Transferred With Used Amusement Rides and Devices	Withdrawn Standard: ASTM F1950-99 Developed by Subcommittee: F24.20 WITHDRAWN, NO REPLACEMENT		<p>Va.13 VAC 5-31-40 (2010)</p> <p><i>See also</i></p> <p>Penn. 7 PAC 139.41</p> <p>Mich. MAC R 408.802 Rule 3</p> <p>Nev. 22.16.160</p> <p>N.J.A.C. 514A-1.3</p>	<p>Va. 13 VAC 5-31-40, "Incorporated standards" (2010):</p> <p>A. The following standards are hereby incorporated by reference for use as part of this chapter:</p> <p>1. American National Standards Institute (ANSI) Standard No. B77.1-2006 for the regulation of passenger tramways; and</p> <p>2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (Reapproved 2000), F747-06, F770-06a, F846-97 (Reapproved 2003), F853-05, F893-05a, F1159-03a, F1193-06, F1205-94 (Reapproved 2002), F1950-99, F1957-99 (Reapproved 2004), F2007-06, F2137-04 (Reapproved 2009 F2137-09), F2291-06a F2291-09b, F2374-07a, F2376-06 and F2460-06 for the regulations amusement devices.</p> <p>The standards referenced above may be procured from:</p> <p>ANSI 25 W 43rd Street New York, NY 10036</p> <p>ASTM 100 Barr Harbor Dr. West Conshohocken, PA 19428-2959</p>
ASTM F1951	1999	Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment	F1951 - 14	36 C.F.R. § 1191, App. B (2014)		<p>36 C.F.R. § 1191, App. B, "Referenced Standards" (2014):</p> <p>105.1 General. The standards listed in 105.2 are incorporated by reference in this document and are part of the requirements to the prescribed extent of each such reference. The Director of the Federal Register has approved these standards for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the referenced standards may be inspected at the Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004; at the Department of Justice, Civil Rights Division, Disability Rights Section, 1425 New York Avenue NW., Washington, DC 20005; at the Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html.</p> <p>105.2 Referenced Standards. The specific edition of the standards listed below are referenced in this document. Where differences occur between this document and the referenced standards, this document applies.</p> <p>... 105.2.3 ASTM. Copies of the referenced standards may be obtained from the American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428 (http://www.astm.org).</p> <p>... ASTM F1951-99 Standard Specification for H263 Determination of Accessibility of Surface Systems Under and Around Playground Equipment (see 1008.2.6.1).</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F1957	1999	Standard Test Method for Composite Foam Hardness Durometer Hardness	F1957 - 99(2011)		<p>Va. 13 VAC 5-31-40 (2010)</p> <p><i>See also</i></p> <p>Penn: 7 PAC 139.41</p> <p>Mich. MAC R 408.802 Rule 3</p> <p>Fla. FAC SF-8.001(f)</p> <p>Or: OAR 918-200-0070</p> <p>N.J.A.C. 5:14A-1.3</p>	<p>Va. 13 VAC 5-31-40, "Incorporated standards" (2010):</p> <p>A. The following standards are hereby incorporated by reference for use as part of this chapter:</p> <p>1. American National Standards Institute (ANSI) Standard No. B77.1-2006 for the regulation of passenger tramways; and</p> <p>2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (Reapproved 2000), F747-06, F770-06a, F846-92 (Reapproved 2003), F853-05, F893-05a, F1159-03a, F1193-06, F1205-94 (Reapproved 2002), F1950-99, F1957-99 (Reapproved 2004), F2007-06, F2137-04 (Reapproved 2009 F2137-09), F2291-06a F2291-09b, F2274-07a, F2376-06 and F2460-06 for the regulations amusement devices.</p> <p>The standards referenced above may be procured from:</p> <p>ANSI 25 W 43rd Street New York, NY 10036</p> <p>ASTM 100 Barr Harbor Dr. West Conshohocken, PA 19428-2959</p>
ASTM F462	1979 (1999)	Standard Consumer Safety Specification for Slip-Resistant Bathing Facilities	F462 - 79(2007)	24 C.F.R. (Parts 200 to 499) (2005)		<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM F 462-79 Slip-Resistant Bathing Facilities; Part 200, Subpart S</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F478	1992 (1999)	Standard Specification for In-Service Care of Insulating Line Hose and Covers	F478 - 14a	29 C.F.R. § 1910.137 (2012)		29 C.F.R. § 1910.137, "Electrical protective equipment"; NOTE: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards: ... ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.
ASTM F631	1993	Standard Guide for Collecting Skimmer Performance Data in Controlled Environments	F631 - 15	33 C.F.R. § 154.106 (2014)		33 C.F.R. § 154.106, "Incorporation by reference" (2014): (a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENSO), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126; telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . Also, it is available from the sources indicated in this section. ... (e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ... (1) ASTM F631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments ("ASTM F631"), IBR approved for Appendix C, 6.3 to part 154.

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F631	1980 (1985)	Standard Method for Testing Full Scale Advancing Spill Removal Devices	F631 - 15	33 C.F.R. § 154.106 (1999)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file in the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103.</p> <p>ASTM F 631-80 (REAPPROVED 1985), STANDARD METHOD FOR TESTING FULL SCALE ADVANCING SPILL REMOVAL DEVICES APPENDIX C.</p>
ASTM F682	1982a (1988)	Standard Specification for Wrought Carbon Steel Sleeve-Type Pipe Couplings	F682 - 82a(2014)	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federalregister/codeofregulations/federalregister.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 682-82a Wrought Carbon Steel Sleeve-Type Pipe Couplings. 56.60-1.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F715	1995	Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage	F715 - 07(2012)	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW, Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(2) ASTM F715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage ("ASTM F715"), IBR approved for Appendix C, 2.3.1 to part 154.</p>
ASTM F715	1981 (1986)	Standard Methods of Testing Spill Control Barrier Membrane Materials	F715 - 07(2012)	33 C.F.R. § 154.106 (1997/2008)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103.</p> <p>...</p> <p>ASTM F 715-81 (REAPPROVED 1986), STANDARD METHODS OF TESTING SPILL CONTROL BARRIER MEMBRANE MATERIALS APPENDIX C.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F722	1982 (1988)	Standard Specification for Welded Joints for Shipboard Piping Systems	F722 - 82(2014)	33 C.F.R. § 154.106 (2014)		33 C.F.R. § 154.106, "Incorporation by reference" (2014): (a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . Also, it is available from the sources indicated in this section. ... (c) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ... (3) ASTM F722-82 (Reapproved 2008), Standard Specification for Shipboard Piping Systems ("ASTM F722"), approved November 1, 2008, IBR approved for Appendix A, 8.4, 8.6 to part 154.
ASTM F747	1997	Standard Terminology Relating to Amusement Rides and Devices	F747 - 15		Va. 13 VAC 5-31-40 (2003): <i>See also</i> Perm. 7 PAC 139.41 Mich. MAC R 408.802 Rule 3 Or. OAR 918-200-0070 Me. 16-219 CMR Ch. 28, § 1 N.J.A.C. 514A-1.3 Wash. WAC 296-403A-100 ANSI 25 W 43rd Street New York, NY 10036 ASTM 100 Barr Harbor Dr. West Conshohocken, PA 19428-2959	Va. 13 VAC 5-31-40, "Incorporated standards" (2003): A. The following standards are hereby incorporated by reference for use as part of this chapter: 1. American National Standards Institute (ANSI) Standard No. B77.1-1999 for the regulation of passenger tramways; and 2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (2000), F747-97, F770-93 (2000), F846-92 (2003), F853-04, F893-04, F1159-03a, F1193-04, F1305-94 (2002), F1999, F1957-99, F2007-00, F2137-01, F2291-04 and F2374-04 for the regulation of amusement devices. The standards referenced above may be procured from: ANSI 25 W 43rd Street New York, NY 10036 ASTM 100 Barr Harbor Dr. West Conshohocken, PA 19428-2959

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM F808	1983 (1988) e 1	Standard Guide for Collecting Skimmer Performance Data in Uncontrolled Environments	Withdrawn Standard: ASTM F808-83 (1988) Developed by Subcommittee: F20.12 WITHDRAWN, NO REPLACEMENT	33 C.F.R. § 154.106 (1999)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file in the Office of the Federal Register, 800 North Capitol Street NW, suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>... AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103. ASTM F 808-83 (1988), STANDARD GUIDE FOR COLLECTING SKIMMER PERFORMANCE DATA IN UNCONTROLLED ENVIRONMENTS APPENDIX C.</p>
ASTM G151	1997	Standard Practice for Exposing Nonmetallic Materials in Accelerated Test Devices that Use Laboratory Light Sources	G151 - 10	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2292. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>... ... (d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax: (610) 832-9555; Web site: http://www.astm.org. ... (37) ASTM G151-97, "Standard Practice for Exposing Nonmetallic Materials in Accelerated Test Devices that Use Laboratory Light Sources," approved July 10, 1997, into § 571.106.</p>

ASTM Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
ASTM G154	2000a	Standard Practice for Operating Fluorescent Light Apparatus for UV Exposure of Nonmetallic Materials	G154 - 12a	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2548. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>... (d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax: (610) 832-9555; Web site: http://www.astm.org. ... (38) ASTM G154-00, "Standard Practice for Operating Fluorescent Light Apparatus for UV Exposure of Nonmetallic Materials," approved February 10, 2000, into § 571.106.</p>
ASTM G21	1990	Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi	G21 - 15	7 C.F.R. § 1755.910 (2014)		<p>7 C.F.R. § 1755.910, "RUS specification for outside plant housings and serving area interface systems" (2014):</p> <p>(7) The American Society for Testing and Materials Specifications (ASTM) ASTM G 21-90, Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi; and ASTM G21-90, Standard Practice for Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials, referenced in this section are incorporated by reference by RUS. These incorporations by references were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 7 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845-S, U.S. Department of Agriculture, Washington, DC 20250-1500, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies are available for ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, telephone number (215) 299-5585.</p>

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EXHIBIT 91

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 1	2003	Uniform Fire Code	2015		Fla Admin Code R 69A-3 012	<p>69A-3 012 Standards of the National Fire Protection Association and Other Standards Adopted</p> <p>(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., the 2004 edition of the Florida Fire Prevention Code are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633 022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633 022, F.S.</p> <p>(4) The codes and standards published by the National Fire Protection Association, including the Florida edition of NFPA 1 and NFPA 101 as adopted in Rule Chapter 69A-60, F.A.C., may be obtained by writing to BNI, 1612 S Clementine Street, Anaheim, CA 92802. ANSI standards may be obtained from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017. ASTM standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. UL standards may be obtained from Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida</p>
NFPA 1	2006	Uniform Fire Code	2015		Fla Admin Code R 69A-60 003	<p>69A-60 003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted</p> <p>(1) NFPA 1, the Uniform Fire Code, Florida 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code</p> <p>(2)(a) NFPA 1, Florida 2006 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101</p> <p>(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is http://www.fldfs.com/SFM/</p> <p>(c) NFPA 1, Florida 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 11	2005	Standard for Low Medium and High Expansion Foam	2016	29 C F R § 1915.5 (2015)		<p>29 C F R § 1915.5, "Incorporation by reference" (2015):</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U S C § 552(a) and 1 C F R part 51.</p> <p>(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U S Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U S Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(d)(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101:</p> <p>(xiii) NFPA 11-2005 Standard for Low-, Medium-, and High-Expansion Foam, IBR approved for § 1915.507(d)(3).</p>
NFPA 12	2005	Standard on Carbon Dioxide Extinguishing Systems	2015	30 C F R § 1915.5 (2015)		<p>29 C F R § 1915.5, "Incorporation by reference" (2015):</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U S C § 552(a) and 1 C F R part 51.</p> <p>(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U S Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U S Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(d)(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101:</p> <p>(xiii) NFPA 11-2005 Standard for Low-, Medium-, and High-Expansion Foam, IBR approved for § 1915.507(d)(3).</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 10	2002	Standard for Portable Fire Extinguishers (Title of work on certificate of registration is "National Fire Codes Vol. 1-12 and Master Index")	2013	31 C.F.R. § 1915.5 (2015)		<p>29 C.F.R. § 1915.5, "Incorporation by reference" (2015):</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51.</p> <p>(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(d)(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101:</p> <p>(vi) NFPA 10-2002 Standard for Portable Fire Extinguishers, IBR approved for §§ 1915.507(b)(1) and (b)(2).</p>
NFPA 13	2002	Installation of Sprinkler Systems (Title of work on certificate of registration is "National Fire Codes Vol. 1-12 and Master Index")	2016	32 C.F.R. § 1915.5 (2015)		<p>29 C.F.R. § 1915.5, "Incorporation by reference" (2015):</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51.</p> <p>(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).</p> <p>(d)(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101:</p> <p>(ix) NFPA 13-2002 Standard for the Installation of Sprinkler Systems, IBR approved for § 1915.507(d)(2).</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 25	2002	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems (Title of work on certificate of registration is "National Fire Codes Vol 1-12 and Master Index")	2014	33 C F R § 1915.5 (2015)		<p>29 C F R § 1915.5, "Incorporation by reference" (2015):</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U S C 552(a) and 1 C F R part 51.</p> <p>(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U S Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627)</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U S Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627)</p> <p>(d)(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101:</p> <p>(xi) NFPA 25-2002, Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, IBR approved for § 1915.507(d)(2)</p>
NFPA 30	2003	Flammable and Combustible Liquids Code	2015	49 C F R § 192.7 (2009)	Fla Admin Code R 69A-60.005	<p>49 C F R § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2009):</p> <p>(a) Any documents or portions thereof incorporated by reference in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC, 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 C F R part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section.</p> <p>(c) The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 C F R part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 C F R part 192 for a listing of the earlier listed editions or documents.</p> <p>(1) Incorporated by reference (IBR):</p> <p>List of Organizations and Addresses:</p> <p>F National Fire Protection Association (NFPA), 1 Batterymarch Park, P O Box 9101, Quincy, MA 02269-9101</p> <p>(2) Documents incorporated by reference</p> <p>F National Fire Protection Association (NFPA):</p> <p>(1) NFPA 30 (2003) "Flammable and Combustible Liquids Code " § 192.735(b)</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 54	2006	National Fuel Gas Code	2015		<p>Fla Admin Code R 5F-11 002</p> <p><i>See also</i></p> <p>Va Admin Code 20VAC5-305, Utah R 8710-6, Texas Admin Code R § 9 301, 41 Ill Admin Code 200</p>	<p>5F-11 002 Standards of National Fire Protection Association Adopted</p> <p>(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA 58, Liquefied Petroleum Gas Code, 2011 edition, and for gas appliances and gas piping as published in NFPA 54, National Fuel Gas Code, 2006 edition, shall be the accepted standards for this state and are hereby adopted and incorporated by reference, subject to such additions and exceptions as are set forth in this rule. The LP Gas Code Handbook, NFPA 58, 2011 Edition, and the National Fuel Gas Code Handbook, NFPA 54, 2006 Edition, are hereby adopted and incorporated by reference and shall be utilized by the Department as a guide in interpreting the provisions of Chapter 527, Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. The section 6 6 7 of NFPA 58, 2011 edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption. The section 7 1 6 2 of NFPA 54, 2006 edition, titled "Conduit with Both Ends Terminating Indoors" is hereby excluded from adoption.</p> <p>(2) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, or at http://www.nfpa.org</p>
NFPA 58	2001	Liquefied Petroleum Gas Code (Title of work on certificate of registration is "National Fire Codes Vol 3")	2014	49 C F R § 171 7 (2011)		<p>49 C F R § 171 7, "Reference material" (2011):</p> <p>(a) Matter incorporated by reference—(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the Federal Register. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at:</p> <p>(i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: http://www.phmsa.dot.gov; and</p> <p>(ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html</p> <p>(3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171 7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>National Fire Protection Association, 1 Batterymarch Park, Quincy, MA, 02169-7471 1-617-770-3000,, http://www.nfpa.org; NFPA 58-Liquefied Petroleum Gas Code, 2001 Edition 173 5, 173 315</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 58	2004	Liquefied Petroleum Gas Code	2014	49 C.F.R. § 192.7 (2009)		<p>49 C.F.R. § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2009):</p> <p>(a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC, 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section.</p> <p>(c) The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 C.F.R. part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 C.F.R. part 192 for a listing of the earlier listed editions or documents.</p> <p>(1) Incorporated by reference (IBR)</p> <p>List of Organizations and Addresses:</p> <p>F. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101</p> <p>(2) Documents incorporated by reference</p> <p>F. National Fire Protection Association (NFPA):</p> <p>(2) NFPA 58 (2004) "Liquefied Petroleum Gas Code (LP-Gas Code)" § 192.11(a); 192.11(b); 192.11(c)</p>
NFPA 59	2004	Utility LP Gas Plant Code	2015	49 C.F.R. § 192.7 (2009)		<p>49 C.F.R. § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2009):</p> <p>(a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC, 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section.</p> <p>(c) The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 C.F.R. part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 C.F.R. part 192 for a listing of the earlier listed editions or documents.</p> <p>(1) Incorporated by reference (IBR)</p> <p>List of Organizations and Addresses:</p> <p>F. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101</p> <p>(2) Documents incorporated by reference</p> <p>F. National Fire Protection Association (NFPA):</p> <p>(3) NFPA 59 (2004) "Utility LP-Gas Plant Code" §§ 192.11(a); 192.11(b); 192.11(c)</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 70	1999	National Electrical Code	2014	7 C F R § 1755 509 (2010) <i>See also</i> 7 C F R § 1755 504 (2011)		7 C F R § 1755 509, "Mobile homes" (2010); (b) The method of customer access location installation prescribed by the ANSI/NFPA 70-1999, NEC® for a mobile home depends on how the electric power is installed at the mobile home and it can involve considerable judgment on the part of the telecommunications installer. The National Electrical Code® and NEC® are registered trademarks of the National Fire Protection Association, Inc., Quincy, MA 02269. The ANSI/NFPA 70-1999, NEC®, is incorporated by reference in accordance with 5 U S C 552(a) and 1 C F R part 51. Copies are available from NFPA, 1 Batterymarch Park, P O Box 9101, Quincy, Massachusetts 02269-9101, telephone number 1 (800) 344-3555. Copies of ANSI/NFPA 70-1999, NEC®, are available for inspection during normal business hours at RUS, room 2905, U S Department of Agriculture, 1400 Independence Avenue, SW, STOP 1598, Washington, DC 20250-1598, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . The ANSI/NFPA 70-1999, NEC®, requires primary station protectors to be located where specific acceptable grounding electrodes exist. The ANSI/NFPA 70-1999, NEC®, allows station protector installations to be at the location of the power meter or the electric disconnecting means where apparatus serving the mobile home providing these electric facilities are installed in the manner specifically defined by the ANSI/NFPA 70-1999, NEC®. The ANSI/NFPA 70-1999, NEC®, requires the station protectors to be installed at the nearest of a number of other meticulously defined ANSI/NFPA 70-1999, NEC®, acceptable electrodes where the protector cannot be installed at the power meter or the electric disconnecting means apparatus serving the mobile home. The provisions can be confusing.
						49 C F R § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2009): (a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part. (b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC, 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 C F R part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section. (c) The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 C F R part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 C F R part 192 for a listing of the earlier listed editions or documents. (1) Incorporated by reference (IBR) List of Organizations and Addresses: F National Fire Protection Association (NFPA), 1 Batterymarch Park, P O Box 9101, Quincy, MA 02269-9101 (2) Documents incorporated by reference F National Fire Protection Association (NFPA): (4) NFPA 70 (2005) "National Electrical Code" §§ 192.163(e); 192.189(c)

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 70	2008	National Electrical Code	2014	24 C.F.R. § 3285.4 (2013)	Regulation SBC-5-2008 (Rhode Island State Building Code)	<p>24 C.F.R. § 3285.4 "Incorporation by reference (IBR)." (2013)</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 C.F.R. part 51. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of Manufactured Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 9164, Washington, DC 20410; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html</p> <p>(h) The materials listed below are available for purchase from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471</p> <p>(2) NFPA 70, National Electrical Code, 2005 edition, IBR approved for §§ 3285.702(e)(1) and 3285.906</p>
NFPA 70	2011	National Electrical Code	2014	49 C.F.R. § 192.7 (2015)		<p>49 C.F.R. § 192.7 "What documents are incorporated by reference partly or wholly in this part?" (2015)</p> <p>(a) This part prescribes standards, or portions thereof, incorporated by reference into this part with the approval of the Director of the Federal Register in 5 U.S.C. 552(a) and 1 C.F.R. part 51. The materials listed in this section have the full force of law. To enforce any edition other than that specified in this section, PHMSA must publish a notice of change in the FEDERAL REGISTER.</p> <p>(1) Availability of standards incorporated by reference. All of the materials incorporated by reference are available for inspection from several sources, including the following:</p> <p>(i) The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information contact 202-366-4046 or go to the PHMSA Web site at: http://www.phmsa.dot.gov/pipeline/regs</p> <p>(ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to the NARA Web site at: http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</p> <p>(iii) Copies of standards incorporated by reference in this part can also be purchased or are otherwise made available from the respective standards-developing organization at the addresses provided in the centralized IBR section below</p> <p>(h) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169, phone: 1 617 984-7275, Web site: http://www.nfpa.org/</p> <p>(4) NFPA-70 (2011), "National Electrical Code," 2011 edition, issued August 5, 2010, (NFPA-70), IBR approved for §§ 192.163(e), and 192.189(c)</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 70	2014	National Electrical Code	2017	16 C.F.R. § 1211.40(c)(1) (2019)	ARM 24 301.401 (Administrative Rules of Montana)	<p>16 C.F.R. § 1211.40 "Incorporation by reference " (2019)</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved materials are available for inspection at Consumer Product Safety Commission, Office of the Secretary, 4330 East-West Highway, Bethesda, MD 20814, telephone 302-504-7923 and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</p> <p>(c) National Fire Prevention Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101, Telephone: (800) 344-3555, http://www.nfpa.org/</p> <p>(1) NFPA 70, National Electrical Code, 2014 edition, effective August 21, 2013, into §1211.2(c)</p>
NFPA 72	2002	National Fire Alarm Code	2016	29 C.F.R. § 1915.5 (2015)		<p>29 C.F.R. § 1915.5, "Incorporation by reference" (2015):</p> <p>(a) Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part</p> <p>(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the Federal Register. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51</p> <p>(c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627)</p> <p>(4) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101: (viii) NFPA 72-2002 National Fire Alarm Code, IBR approved for §1915.507(c)(6)</p>

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NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 99	2005	Health Care Facilities Code	2015	46 C F R § 110.10-1 (2009)		<p>46 C F R § 110.10-1, "Incorporation by reference" (2009):</p> <p>(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U S C 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. The word "shall" when used in material incorporated by reference, is to be construed the same as the words "must" or "shall" for the purposes of this subchapter. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. The material is also available for inspection at the U S Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St SW, Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below:</p> <p>(1) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169;</p> <p>(3) NFPA 99-H20, Standard for Health Care Facilities (2005) ("NFPA 99"), 111 105-37;</p>
NFPA 101	2000	Life Safety Code	2015	<p>42 C F R § 460.72 (2010)</p> <p><i>See also</i></p> <p>42 C F R § 483.70 (2011),</p> <p>42 C F R § 416.44 (2012)</p>		<p>42 C F R § 460.72, "Physical environment" (2010):</p> <p>(b)(1) A PACE center must meet the applicable provisions of the 2000 edition of the Life Safety Code (LSC) of the National Fire Protection Association that apply to the type of setting in which the center is located. The Director of the Office of the Federal Register has approved the NFPA 101 © 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U S C 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the Federal Register to announce the changes.</p>

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NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 101	2003	Life Safety Code	2015	38 C F R. § 39.63 (2011)		<p>38 C F R. § 39.63, "Architectural design standards" (2011):</p> <p>The publications listed in this section are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U S C 552(a) and 1 CFR part 51. Copies of these publications may be inspected at the office of the State Cemetery Grants Service, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/br_locations.html. Copies of the 2003 edition of the National Fire Protection Association Life Safety Code and Errata (NFPA 101), the 2003 edition of the NFPA 5000, Building Construction and Safety Code, and the 2002 edition of the National Electrical Code, NFPA 70, may be obtained from the National Fire Protection Association, Inc. (NFPA), 1 Batterymarch Park, P O Box 9101, Quincy, MA 02269-9101, 800-844-6058 (toll free). Copies of the 2003 edition of the Uniform Mechanical Code and the 2003 edition of the Uniform Plumbing Code may be obtained from the International Association of Plumbing and Mechanical Officials, 5001 E Philadelphia Street, Ontario, CA 91761-2816 909-472-4100 (this is not a toll-free number). The 2002 and 2003 NFPA and IAPMO code publications can be inspected at VA by calling 202-461-4902 for an appointment.</p>
NFPA 101	2006	Life Safety Code	2015	38 C F R. § 51.200 "Physical environment" (2010)	Fla Admin Code R 69A-43.018	<p>38 C F R. § 51.200 "Physical environment" (2010)</p> <p>The facility management must be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel and the public</p> <p>(a) Life safety from fire. The facility must meet the applicable provisions of the National Fire Protection Association's NFPA 101, Life Safety Code (2006 edition), except that the requirement in paragraph 19.3.5.1 for all buildings containing nursing homes to have an automatic sprinkler system is not applicable until August 13, 2013, unless an automatic sprinkler system was previously required by the Life Safety Code and the NFPA 99, Standard for Health Care Facilities (2005 edition). Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 CFR part 51. These materials incorporated by reference are available for inspection at the Department of Veterans Affairs, Office of Regulation Policy and Management (02REG), 810 Vermont Avenue, NW, Washington, DC 20420, call 202-461-4902, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federalregister/codeofregulations/brlocations.html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P O Box 9101, Quincy, MA 02269-9101</p> <p>(For ordering information, call tollfree 1-800-344-3555)</p> <p>(b) Emergency power. (1) An emergency electrical power system must be provided to supply power adequate for illumination of all exit signs and lighting for the means of egress, fire alarm and medical gas alarms, emergency communication systems, and generator task illumination</p> <p>(2) The system must be the appropriate type essential electrical system in accordance with the applicable provisions of the National Fire Protection Association's NFPA 101, Life Safety Code (2006 edition) and the NFPA 99, Standard for Health Care Facilities (2005 edition). Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 CFR part 51. The availability of these materials is described in paragraph (a) of this section</p> <p>(3) When electrical life support devices are used, an emergency electrical power system must also be provided for devices in accordance with NFPA 99, Standard for Health Care Facilities (2005 edition)</p> <p>(4) The source of power must be an on-site emergency standby generator of sufficient size to serve the connected load or other approved sources in accordance with the National Fire Protection Association's NFPA 101, Life Safety Code (2006 edition) and the NFPA 99, Standard for Health Care Facilities (2005 edition). Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U S C 552(a) and 1 CFR part 51. The availability of these materials is described in paragraph (a) of this section</p>

NFPA Editions Incorporated by Reference

No.	Edition	Title	Superseded by:	C.F.R. Reference	State Law	Text of Incorporation
NFPA 704	2007	Standard System for the Identification of the Hazards of Materials for Emergency Response	2012	6 C F R § 27 204 (2012)		<p>6 C F R § 27 204, "Minimum concentration by security issue":</p> <p>(2) Release-Flammable Chemicals If a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association (NFPA) flammability hazard rating of 4, the facility shall count the entire amount of the mixture toward the STQ. Except as provided in §27 203(b)(1)(v) for fuels that are stored in aboveground tank farms (including farms that are part of pipeline systems), if a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association (NFPA) flammability hazard rating of 1, 2, or 3, the facility need not count the mixture toward the STQ. The flammability hazard ratings are defined in NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response [2007 ed.] The Director of the Federal Register approves the incorporation by reference of this standard in accordance with 5 U S C 552(a) and 1 C F R part 51. You may obtain a copy of the incorporated standard from the National Fire Protection Association at 1 Batterymarch Park, Quincy, MA 02169-7471 or http://www.nfpa.org. You may inspect a copy of the incorporated standard at the Department of Homeland Security, 1621 Kent Street, 9th Floor, Rosslyn VA (please call 703-235-0709) to make an appointment, or at the National Archives and Records Administration (NARA). For information on the availability of material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. If a release-flammable chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the mixture in determining whether the facility possesses the STQ.</p>

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EXHIBIT 96

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR CONDITIONING
ENGINEERS, INC.,

Plaintiffs/Counter-defendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/Counterclaimant.

Case No. 1:13-cv-01215-TSC-DAR

EXPERT REPORT OF JAMES R. FRUCHTERMAN

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Introduction

As an expert in accessibility of written materials for people who have disabilities that affect using standard print (people who are print disabled), I have been retained by Public.Resource.Org to evaluate the accessibility of certain online content available on the websites of the plaintiffs and the defendant in this case. As someone dedicated to improving accessibility for the benefit of people with disabilities and in the public interest, I agreed to evaluate the accessibility to people who are blind of specific commonly used standard documents located on different websites.

This expert report is a summary of certain opinions that I intend to give, if asked, at trial regarding the accessibility of documents on various websites to people who are blind. This report also states the bases for my opinions, and it discloses the data or other information considered in forming those opinions. I reserve the right to change or supplement this report if additional evidence comes to my attention, and to prepare demonstratives and/or exhibits to illustrate or explain my opinions, as appropriate.

A copy of my curriculum vitae, including a list of my publications and presentations, is **Exhibit A** to this report. I provide my expertise in this case pro bono, and I am not receiving compensation for my time researching, writing this report, or testifying. I previously served as an expert in *The Authors Guild, Inc. et al. v. HathiTrust, et al.*, Case No. 1:11-cv-06351-HB (S.D.N.Y.) (case filed September 12, 2011), although I did not testify in that case. I have not given deposition or trial testimony in the past four years.

Background and Qualifications

I serve as Founder and Chief Executive Officer of Benetech, a nonprofit dedicated to creating new technology solutions that serve humanity and empower people to improve their lives. In 1980 I earned a B.S. in Engineering and an M.S. in Applied Physics from California Institute of Technology. I co-founded Calera Recognition Systems in 1982. Calera developed optical character recognition (OCR) technology that allowed computers to read virtually all printed text.

In 1989, I founded Arkenstone, a nonprofit social enterprise, which produced reading machines for the print disabled community based on the Calera technology, and was at one time the largest maker of affordable reading systems for the blind. The Arkenstone product line was sold in 2000 and the resulting capital funded the next phase of Arkenstone under its new name, Benetech. I have been the CEO of Benetech/Arkenstone since 1989.

I have served on three U.S. federal government advisory committees for disability issues: the Section 255 Telecommunications Access Advisory Committee, the Section 508 Electronic Information and Technology Access Advisory Committee, and the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities. I have received numerous other awards and recognition for my work making print materials accessible to people who are blind or otherwise print disabled. In 2006 I received a MacArthur Fellowship. I was named an Outstanding Social Entrepreneur in 2003 by the Schwab Foundation and have frequently participated in the World Economic Forum Annual Meetings in Davos, Switzerland. Benetech received the Skoll Award for Social Entrepreneurship under my leadership. I also received the Migel Medal from the American Foundation for the Blind, the Robert F. Bray Award from the American Council of the Blind, and the American Library

Association's Francis Joseph Campbell Award in recognition of my successful efforts to make literary works more accessible to people who are blind or visually impaired.

What Does Accessibility Mean for a Blind Person?

Accessibility is usually defined in a functional way: can a person with a disability independently access the same information and perform the same tasks as a person without a disability? When it comes to accessing materials traditionally available as print, such as standards, there are many groups of print disabilities. The most severe is blindness, where a person cannot perceive the printed text at all. The next is vision impairment, where a person generally cannot perceive the text directly or with corrective lens, but may be able to use magnifiers of different types to read the text. Another group is learning disabilities that interfere with reading, such as dyslexia. A closely related group of disabilities involve brain injuries that affect reading or the retention of material read. Another group is physical disabilities that interfere with the holding or seeing of books or the turning of pages.

In this report, I focused on the accessibility challenges that would be experienced by blind people, because they are generally the most severe print disabilities. The other groups of people with print disabilities use similar technologies to access print (such as having it read aloud), and experience similar challenges as blind people. In the accessibility field, it is generally understood that if you make information accessible to a blind person, it will probably also meet the accessibility needs of the great majority of people with other print disabilities.

The most common technology used by a blind person for accessibility is called a screen reader. As the name suggests, a screen reader is a program that runs on a personal computer or a smartphone that reads the information on the screen aloud (using a computer-synthesized voice)

to a blind person. The screen reader runs “on top of” other programs, figuring out not only what text is on the screen, but also the controls that are displayed: items such as buttons, menus, text-entry boxes and the like. Because of the amount of information on a complete screen, and its complexity, blind people need to be able to focus on the most important information so that they do not waste time listening to everything on the screen.

For the purpose of this report, measuring the accessibility of standards, I am assuming that the blind user is using a screen reader on top of a web browser on a personal computer. Based on the information the screen reader can glean from the web pages displayed on the screen, can a blind person locate the standard and read it?

The accessibility tasks I tested were designed to assess whether a blind user with basic assistive technology skills could perform the same kind of tasks one might expect a user without a disability to perform in accessing a given standard, without requiring the intervention of a third party. This functional approach is the most common method of assessing accessibility.

The specific tasks I investigated were:

- Could a blind user with basic assistive technology skills independently access a specific standard of interest?
- Could a blind user independently read the entire standard using assistive technology?
- Could a blind user independently navigate to a specific place in the standard and read the content in that place?
- Could a blind user independently do a full text search and find specific mentions of terms of interest?

I conducted these tests on a number of the same standards available on the Public.Resource.Org website and in the free reading sections of the websites of the National Fire Protection

Association (NFPA), the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), and the American Society for Testing and Materials (ASTM). I primarily used the Window-Eyes screen reading software to perform my tests, but I also confirmed some of my observations with the JAWS screen reading program (these are the two most commonly-used screen reading programs by people who are print disabled). In order to further confirm my observations, I was assisted by an engineer who is blind and who is a skilled daily user of screen reader software. This engineer used the JAWS screen reader to confirm that as an individual who is print disabled and a regular user of a screen reader program, he was unable to access the website and several specific standards that I had found to be inaccessible to people who are print disabled.

Overview and Summary of Opinions

Having reviewed the accessibility of the same standards content rendered by Public.Resource.Org and those of the free access options provided by the NFPA, ASHRAE and ASTM, it is my opinion that Public.Resource.Org currently provides the only accessible option for people/citizens with print disabilities to access these standards.

Based on my extensive experience with content accessibility, approaches for “free access” that make it impossible to copy text generally make it impossible for the assistive technology used by people with print disabilities, especially blind people, to read the text aloud, present it visually in more accessible manners, or make the text available in braille. Technological mechanisms that are designed to stop copying generally have the unfortunate side effect of locking out people with print disabilities from the ability to read the material.

The versions of the standards on the NFPA, ASHRAE, and ASTM free reading websites are not available in a way that is accessible to blind users. First, the NFPA and ASTM websites require registration before a user can access free standards on their websites. Although a blind user may be able to register on the ASTM website, a person who is blind would not be able to independently gain access to the NFPA standards because the NFPA website uses a registration process that employs buttons without proper markings for the blind to perceive them with accessibility software. Second, the free reading websites for NFPA, ASHRAE, and ASTM each display their standards in separate windows that prevent assistive technology from perceiving the words in those windows, meaning that that blind people would not be able to tell the difference between the standards and a blank window. These websites do not allow the text of the standard to be read aloud by a screen reader; the navigation controls do not work with a screen reader, so blind people are unable to navigate to a specific location in the standard; and the text search function does not work with a screen reader.

In contrast, the versions of the standards on the Public.Resource.Org website are available in a way that is accessible to blind users. Firstly, the Public.Resource.Org website does not require a registration process before a user can access the files containing the standards; the files are directly available to users. Secondly, many of the standards on the Public.Resource.Org website are available in well-structured HTML, a highly accessible format that allows blind users similar quality of access as that enjoyed by a person without a disability accessing a print version of the standard (or a locked digital version). Although some standards are available only in PDF format on the Public.Resource.Org website, those documents are accessible through extra steps such as optical character recognition. To summarize, it is my opinion that the standards on the Public.Resource.Org website are accessible to the blind through screen reader software, whereas

the standards on the free reading portions of the NFPA, ASHRAE, and ASTM websites are not accessible to the blind through screen reader software. Furthermore, it is my opinion that people with other print disabilities, such as vision impairment, dyslexia, brain injury and physical disabilities, would find the standards on the Public.Resource.Org accessible with screen readers and other assistive technology, whereas the standards on the free reading portions of the NFPA, ASHRAE, and ASTM websites would not be accessible to the great majority of people with these types of print disabilities.

Testing the National Fire Protection Association Website's Accessibility

I performed my test of the NFPA, ASHRAE, and ASTM websites in two phases. The first phase was an investigation of whether a blind or visually impaired person can gain access to a standard on the NFPA website by going through a process of obtaining free access while using a screen reading program. On the NFPA website it appears that users must register and agree to terms of use before accessing any of the free standards on the website. The results of the test are that a blind user would not be able to independently sign up for a free account on the NFPA website because the registration process involves elements that cannot be perceived by screen reading software.

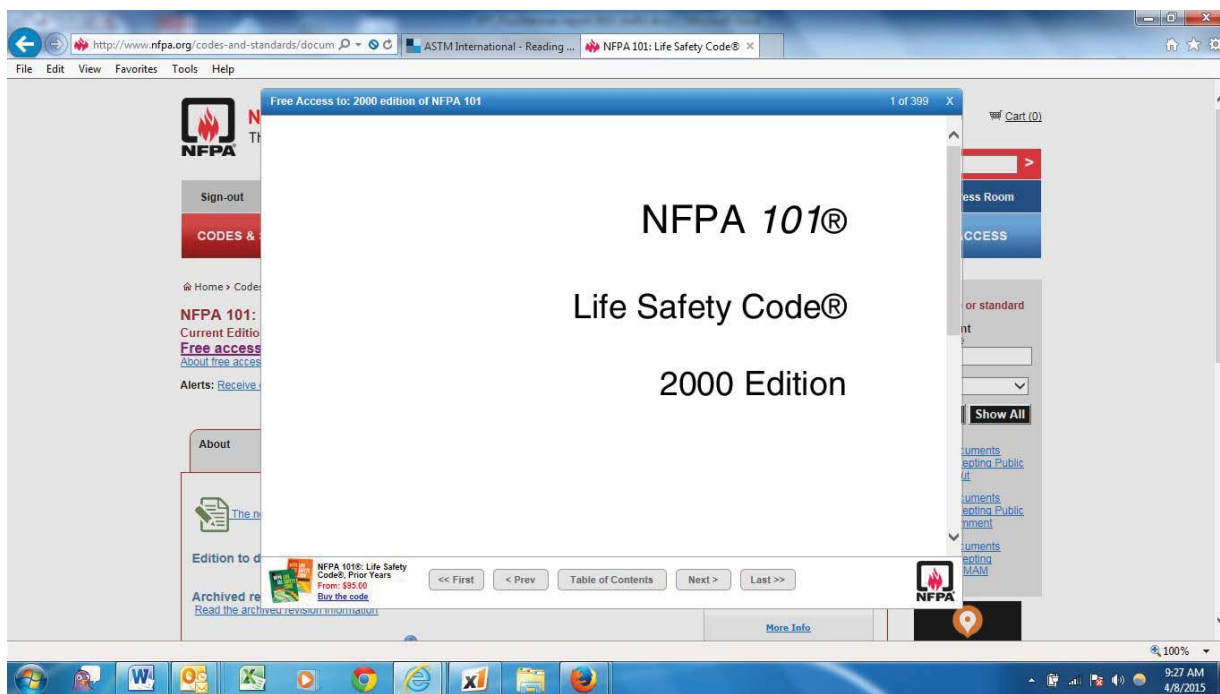
The accessibility standard in common use for websites is the Web Content Accessibility Guidelines (WCAG), published by the World Wide Web Consortium, the main standards body for technology related to the Web. A copy of the WCAG is **Exhibit C**. (As with other World Wide Web Consortium standards, the WCAG standard is freely available at no cost on the World Wide Web Consortium website, in HTML, as stated in the World Wide Web Consortium Document License, **Exhibit D**). The very first element in the WCAG standard specifies that

“information and user interface components must be presentable to users in ways they can perceive.” The key recommendation for how to address this need is to “provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, braille, speech, symbols or simpler language.” The two easiest ways to meet this requirement are to present textual content as text and to add text labels to non-text content. For example, the text in a regular web page is highly accessible: the screen reader software can simply grab each word, sentence and paragraph and read it aloud (or make it larger, or provide it to a braille device). Screen readers understand web page structure, so links and headers are identified as such when they are read aloud. A visual button on a page can easily have a text label as part of the web page that identifies its function (for example, “I agree”). A screen reader encountering such a button on a web page would simply say aloud “Button, I agree,” and the screen reader provides a blind person with a way to activate the button using the keyboard (because blind people avoid using mice for obvious reasons).

These fundamental requirements for accessibility are the ones that the NFPA website fails to meet. Rather than cataloging the many parts of the WCAG accessibility standards the NFPA website fails to meet, I will focus on two key items. The first is that a blind person trying to sign up for a free access account needs the assistance of a sighted person to sign up. This is because, for instance, the NFPA website uses a visual button for the “I Agree” function on its registration page, and this visual button fails to have a text label, meaning that a blind person using a screen reader would not know what the button is for. A blind person who arrived at the point where he or she needed to assent to the terms and conditions after some effort would not be able to tell what to do, or which button to push, because there is no text equivalent attached to the “I AGREE” button. On the NFPA website, the screen reader knows that there are buttons but

can't tell what they do because there are no text labels on them, and the letters "I AGREE" are shown only as a picture of those words, which is not perceptible to a blind person.

The second phase of my test was to perform the functional tests on a specific standard, NPFA 101-2000. In this second phase of the test is also where the NFPA free access website fails to make the text accessible, and fails to meet the WCAG accessibility standard mentioned above. Rather than presenting the text in a standard webpage, which is the typical way to present information in a web browser, the NFPA site opens an image-only window. Rather than presenting the text of the standard as HTML text, it presents it as a picture of the text. See the screen shot below.

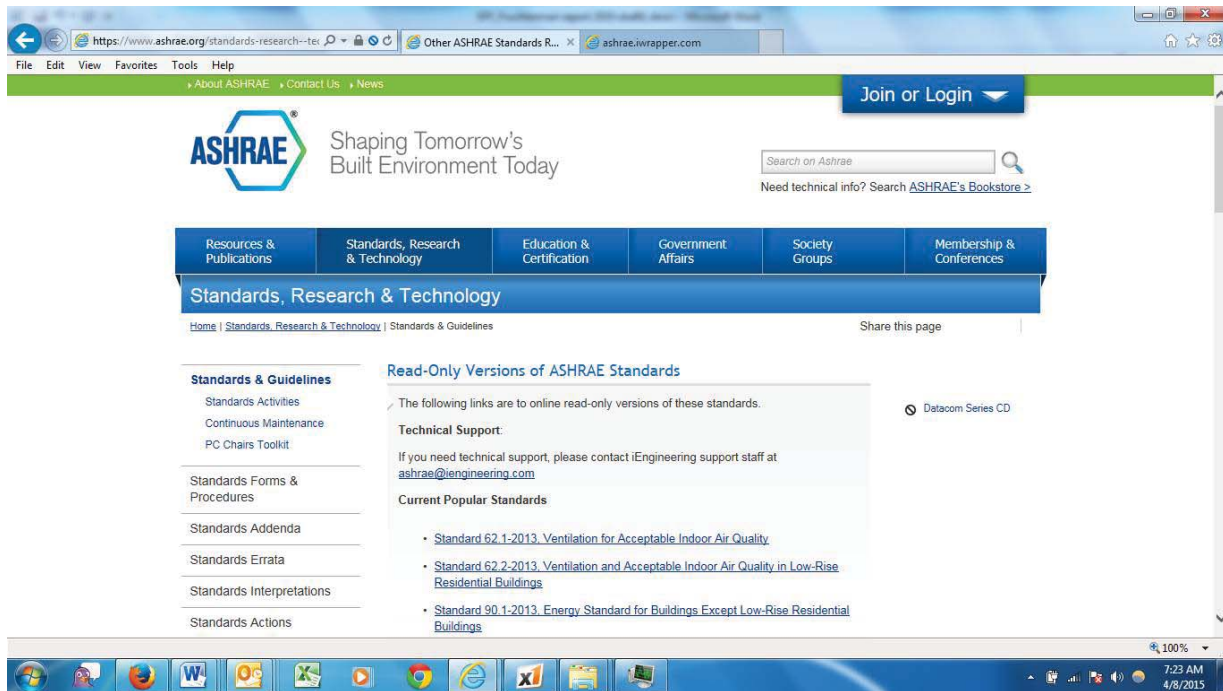


To a sighted person, both the text in a standard webpage and the text in an image-only window looks pretty similar: the words are visible. But, “under the hood,” so to speak, the use of an image prevents the browser from presenting the text on the screen as text. A browser ordinarily transmits text to a screen reader in a way that facilitates access for the visually

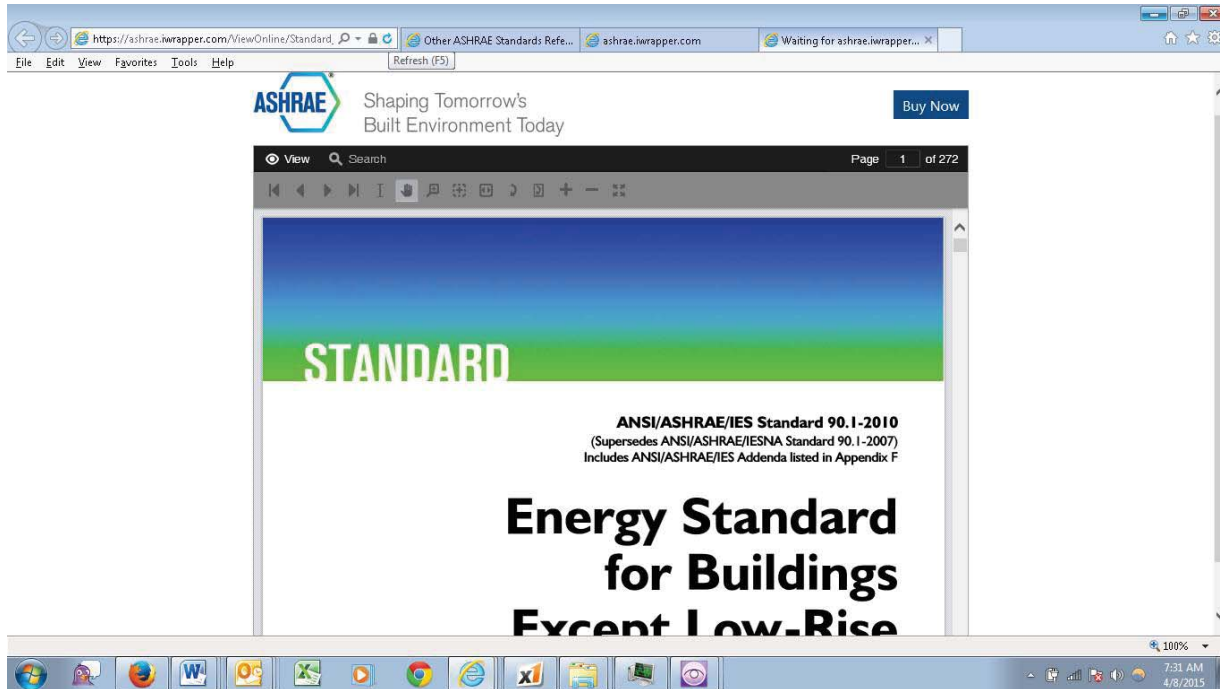
impaired. Instead, when NFPA's website presents text only within an image, the web browser processes it as an image, as if someone took a picture of a page and sent it as a photo rather than sending a text file. The screen reader cannot perceive the text in an image; all the screen reader can perceive is that there is a big picture on the screen. A screen reader stops working at this point: it does not know what is in the picture. And so even if a blind person were able to open a specific standard on the NFPA website, such as NFPA 101, he or she will not be able to perceive any of the content in the standard because the page appears blank to him or her. This means that on the NFPA free reading website a blind person cannot independently read the standard, go to a specific page within it, or search it for terms of interest.

Testing the American Society of Heating, Refrigerating and Air-Conditioning Engineers Website's Accessibility

Counsel suggested I investigate the accessibility of ASHRAE Standard 90.1-2010, Energy Standard for Buildings Except Low-Rise Residential Buildings (I-P). ASHRAE's website does not require a visitor to sign up for a free account before viewing certain standards, and so a blind user should be able to navigate to the place where online read-only versions of the standards reside, and then identify specific standards by number and description. Thus, the first of the four tasks, navigating to a specific standard, is a task that a blind person can perform independently on the ASHRAE website. See the screen shot below of this portion of the ASHRAE website with the listing of links to different standards.



However, once a specific standard is chosen, the standard is not perceptible to a blind person, for the same reason that I discussed earlier with respect to the NFPA website. See the screen shot below of the ASHRAE 90.1-2010 standard as displayed on the website. The text of the standard is inaccessible to a blind person, and therefore a blind person is unable to perform the functional accessibility tasks. First, the ASHRAE website presents the standard in a window that prevents screen reader software from reading aloud the text of the standard. Second, the navigation controls on the standards-display portion of the ASHRAE website do not work with a screen reader, so a blind person would be unable to navigate to a specific location in the standard. Lastly, although there is a text search function that works for a sighted person, I was unable to get that functionality to work with a screen reader. And, even if I could get the search function to work with a screen reader, a screen reader would still be unable to read aloud the actual content of the standard at that point, and so the exercise would be pointless for a blind person.

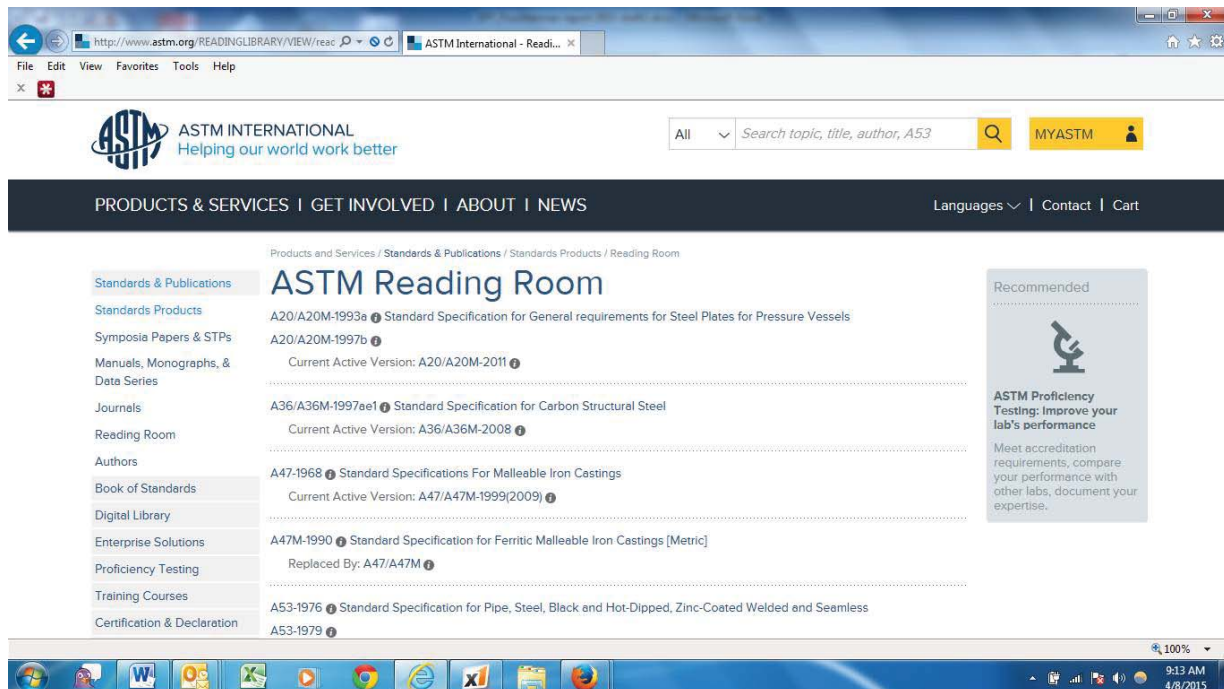


Because the ASHRAE website provides the content of the standard as an image, it is inaccessible to a blind person. As I mentioned above, the WCAG accessibility standard requires the text to be provided for any information delivered as an image, and the ASHRAE website fails to do so for the standard I tested. I also tested five other ASHRAE standards (ASHRAE 62.1-2013, 62.2-2013, 90.1-2013 (I-P), 90.2-2007, and 189.1-2014) on the ASHRAE website, and they all presented the same image-based interface to the standards, and are therefore inaccessible to blind people.

Testing the American Society for Testing and Materials Website's Accessibility

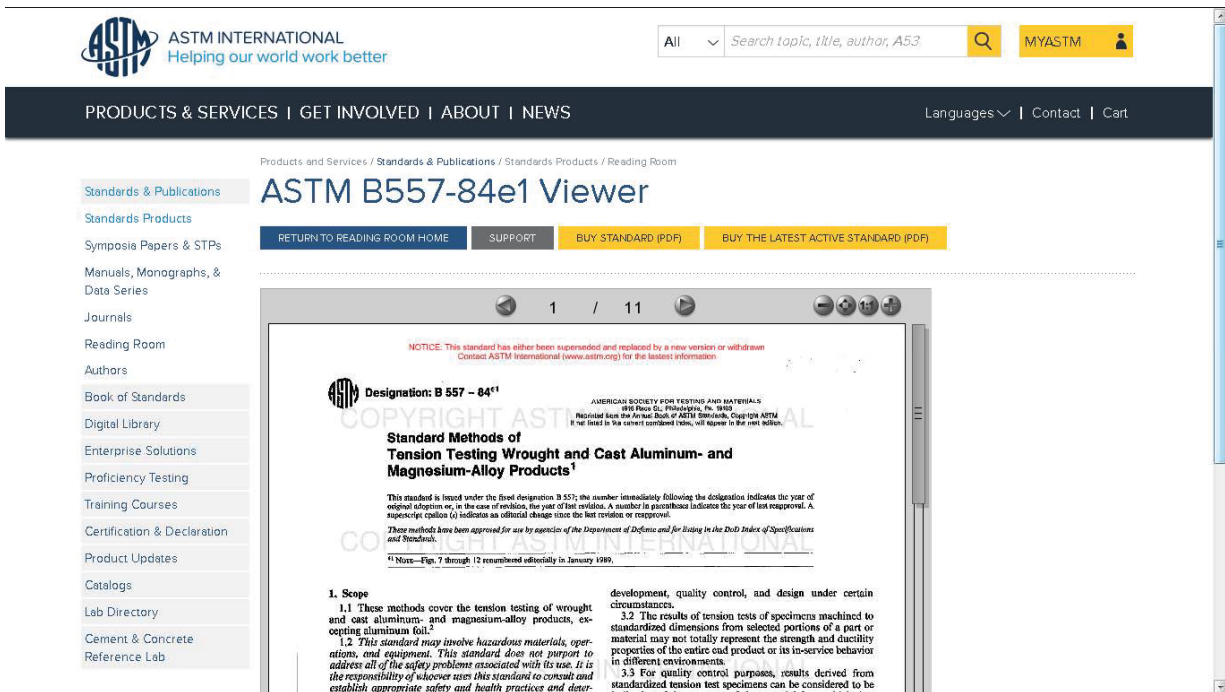
Counsel suggested I investigate the accessibility of Standard B557-84 Wrought and Cast Aluminum- and Magnesium-Alloy Products. The ASTM website requires visitors to sign up for a free account before viewing certain standards. The process of setting up a free account is accessible, and therefore a blind person should be able to independently gain access to the

ASTM Reading Room, where the standards are located. A blind user could navigate to the place where online read-only versions of the standards reside, and could identify specific standards by number and description. Thus the first of the four tasks, navigating to a specific standard, was a task that a blind person could perform independently. See the screen shot below of this portion of the ASTM website with the listing of links to different standards.



I was able to locate a version of the standard ASTM B557-84e1. When one selects the standard, a new window appears with an image-only viewer of the standard. For the same reason as I described earlier with respect to the NFPA and ASHRAE websites, this standard on the ASTM website is not perceptible to a blind person. First, the ASTM website presents the standard in a window that prevents screen reader software from reading aloud the text of the standard. Second, the navigation controls on the standards-displaying portion of the ASTM website do not work with a screen reader, so a blind person would be unable to navigate to a specific location in

the standard. I was not able to locate a text-searching function on the ASTM standard I examined.



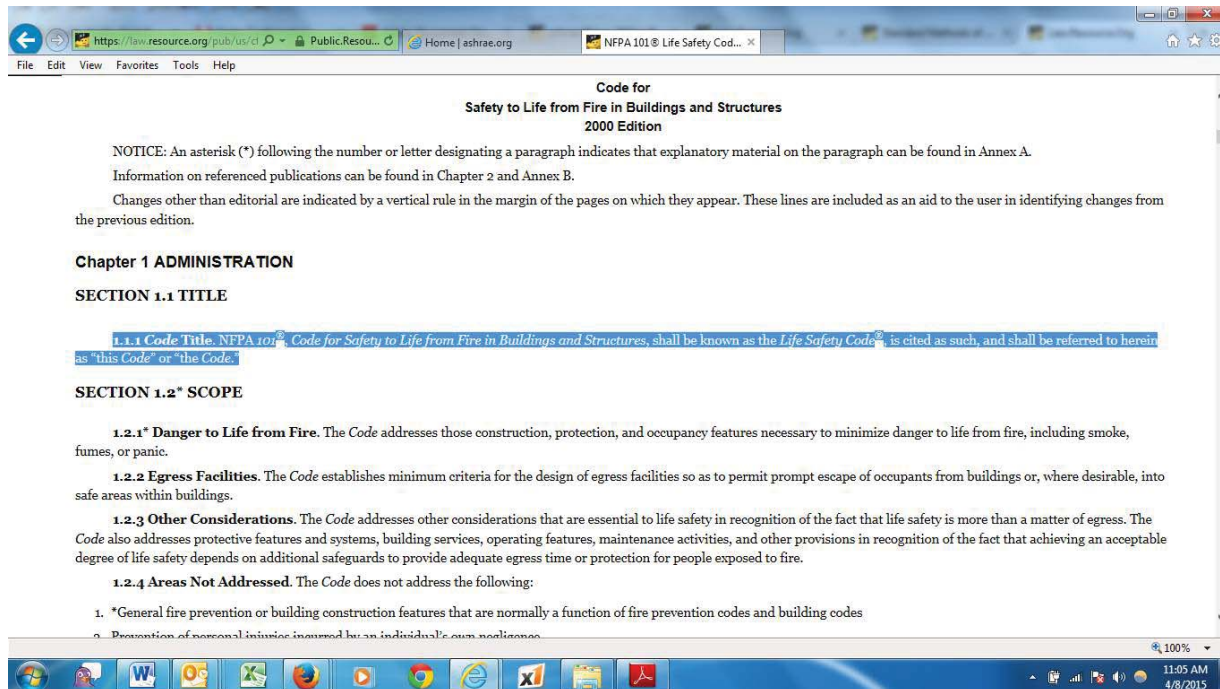
Because the content of the ASTM standard appears as an image in the ASTM Reading Room, it is inaccessible to the blind person. As I mentioned above, the WCAG accessibility standard requires the text to be provided for any information delivered as an image, and the ASTM website fails to do that for the standard I tested. I also tested the first standard listed on the website, ASTM A20/A20M-93a, and it presented the same image-based inaccessible interface to the standard, meaning that a blind person would not be able to perceive it.

Testing the Public.Resource.Org Website's Accessibility

After unsuccessfully trying to access the NFPA 101-2000, ASHRAE 90.1-2010 and ASTM B557-84 standards on the websites of the three standards organization as a blind user would, I went to the same standards on the Public.Resource.Org website and tried the same

tasks. I was able to successfully complete all of the accessibility tasks on all three of the standards on the Public.Resource.Org website.

The Public.Resource.Org website has no required sign-up procedure, so I did not need to test the accessibility of that process. It is possible to go directly to a specific standard either by using a direct weblink or by navigating the text-oriented website. For example, searching on the terms “NFPA 101 resource.org” shows the standard available directly from Google’s search engine in the top few links, in both PDF and HTML form. HTML is generally more accessible, so I selected that link and it directly opened up in my browser. The entire text of the standard was available, and I was able to read the standard using screen reading software, navigate to a specific place in the document using screen reading software, and search for key terms using screen reading software. My test therefore indicated that a blind person using a screen reader would be able to perform all of the functional tasks: reading the entire standard, navigating to a specific place in the standard, or searching on key terms. Because the text is provided as standard HTML, a blind person is able to listen to the text, or access it using a digital braille device. This kind of HTML content is also highly accessible to people with other print disabilities and the assistive technology they use to access print. For example, people with low vision or with dyslexia often use a screen reader to read text aloud.

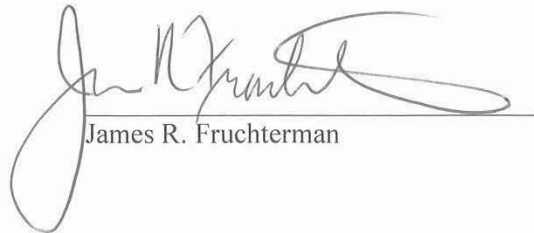


I also found a version of the ASTM B557-84 standard on the Public.Resource.Org website as an HTML file. It was well-structured and highly accessible. Like the NFPA 101-2000 standard on the Public.Resource.Org website, this standard could be readily located and accessed by a blind person using a screen reader, and could then be perceived in its entirety using the screen reader.

I then examined the accessibility of more recent versions of the NFPA 101 standard located on the Public.Resource.Org website. These were available only in PDF formats, not HTML. I accessed the 2012 version of the NFPA 101 standard, and found that it was an image-based PDF. I also searched for the ASHRAE 90.1-2010 standard and found it in PDF form on the Public.Resource.Org website without needing to login to access it. It was also an image-based PDF. Image-based PDFs are generally not accessible to blind people. However, these files both came with the underlying text associated with the page images. It was possible for me to open the PDFs in a browser or Adobe Reader, do a Select All command (Control A on a PC),

a Copy command (Control C on a PC) and then switch to a text-oriented word processing program (Microsoft Word) and paste the text of the entire standard into a file there. The text appeared to be an automatic optical character recognition version of the standard, which meant there were some errors in the transcription. But, generally the accuracy was sufficient to perform the functional tasks: reading the entire standard, navigating to a specific place in the standard, or searching on key terms. It should be noted that this approach would not likely occur to a blind person opening an image PDF file, because the Adobe software does not announce that the underlying text was present. It is also possible for a blind person to independently perform optical character recognition on image-based PDFs themselves and access the text that way, and many advanced computer users that are blind would be aware that this is possible. Although performing optical character recognition on a PDF is not as optimal as having HTML text available to read immediately without conversion, this method by which PDFs can be made perceptible to the blind is still better than having no access, which is effectively what the NFPA, ASHRAE, and ASTM websites offer.

Dated: April 13, 2015



James R. Fruchterman

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Exhibit A

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James R. Fruchterman

Founder and CEO

Benetech

Education

- California Institute of Technology
B.S. Engineering, 1976-80
M.S. Applied Physics, 1978-80
- Stanford University, 1980-81
Ph.D. Studies in Electrical Engineering

Professional Experience

- CEO and Founder, 2015-present
President, CEO, Chairman, Founder, 2000-2014
Benetech (name changed from Arkenstone in 2000)
Palo Alto, California
- President, CEO, Chairman, Founder, 1989-2000
Arkenstone, Inc.
Moffett Field, California
- Director, 1989-present
Vice President Finance, CFO, 1989-2004
President & CEO, Founder, 1989-95
RAF Technology, Inc.
Palo Alto, California and Redmond, Washington
- Vice President, Marketing, 1987-89
Founder, Vice President, Finance, 1982-88
Calera Recognition Systems, Inc.
Santa Clara, California
- Prior engineering positions with:
 - Phoenix Engineering, Inc.
 - G.C.H., Inc.
 - IBM T.J. Watson Research Center
 - General Motors Company
 - NASA — Jet Propulsion Laboratory
 - Fermi National Accelerator Laboratory

Publications

- Technology Serving Humanity (chapter). In Schultz, R. (editor) [*Creating Good Work*](#), Palgrave Macmillan, February 2013
- [Guest Editor's Page](#), AFB Journal of Visual Impairment & Blindness, October-November 2012
- An Interview With Technology Guru George Kerscher, AFB Journal of Visual Impairment & Blindness, October-November 2012
- [For Love or Lucre](#), Stanford Social Innovation Review, Spring 2011
- [Developing Information Technology to Meet Social Needs](#). In *Innovations*, MIT Press, 2008
- Accessing Books and Documents, a chapter in the book, [Assistive Technology for Vision-Impaired and Blind People](#), Springer Verlag 2008
- [Everyone Deserves Access to Technology](#), OpEd in *The Sacramento Bee* by Jim Fruchterman and Gregg Vanderheiden, June 17, 2007
- Document Recognition Serving People With Disabilities, *Proc. SPIE 6500*, International Society for Optics and Photonics, 2007
- [Pattern Recognition Technology Helps Disabled People Access Books](#), *SPIE Newsroom*, International Society for Optics and Photonics, May 14, 2007
- [Nothing Ventured Nothing Gained, Addressing the Critical Gaps in Risk-Taking Capital for Social Enterprise](#), by Jed Emerson, Tim Freundlich and Jim Fruchterman, published by Oxford Said Business School, 2006
- [Build Great Companies, Then Help Build a Great World](#), OpEd in *The San Jose Mercury News*, November 13, 2006
- [Comments on Accessibility of Google Print and Google's Library Project](#), white paper, February 2005
- [Technology Benefiting Humanity](#), published in the Association for Computing Machines *Ubiquity* magazine, March 2004
- The Power of Technology Social Enterprises, published in the N-TEN forecast series, February 2004
- [In the Palm of Your Hand: A Vision of the Future of Technology for People with Visual Impairments](#), published in the American Foundation for the Blind's *Journal of Vision Impairment and Blindness*, October 2003
- [The Chafee Amendment: Improving Access to Information](#), published in *Information Technology and Disabilities*, a journal published by [Equal Access to Software and Information \(EASI\)](#), co-authored with Bookshare Senior Product Manager Alison Lingane, October 2003
- [The Soundproof Book: Exploration of Rights Conflict and Access to Commercial EBooks for People with Disabilities](#), published in *First Monday*, co-authored with George Kerscher, the International Project Manager of [the DAISY Consortium](#), May 2002
- [Bookshare, Books without Barriers](#), at the [Closing the Gap](#) conference, Minneapolis, MN, October 2001

- Two presentations given at the IT Accessibility 2001 Conference, May 2001 at the National Institute of Standards and Technology
 - [I Dream of Software](#)
 - [The Business Case for Adaptive Technology](#)
- Humanizing the Voice of the Machine, with Prof. Mari Ostendorf (University of Washington), Annual Meeting of the American Association for the Advancement of the Machine, Boston, MA, February 2000
- [The Many Facets of Open Book: Ruby Edition](#), California State University, Northridge (CSUN), 15th Technology and Persons with Disabilities Conference, March 2000
- [Corporate Responsibility for Adaptive Technology](#), California State University, Northridge (CSUN), 14th Technology and Persons with Disabilities Conference, March 1999
- [Developing Partnerships for Assistive and Universally Designed Technology for Persons with Disabilities](#), Testimony before United States House of Representatives, Committee on Science, Subcommittee on Technology, August 4, 1998
- Access to Maps and Location Information through Virtual Reality Techniques and GPS Satellite Receivers, 3rd International Technical Aids Seminar, Tokyo, Japan, July 1994

Invited Talks

- ["Innovation in America: The Role of Technology,"](#) August 1, 2013, Testimony before U.S. House of Representatives, Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet.
- ["Social Change at Scale – That's Innovation!"](#) May 2012, TEDxSanJoseCA 2012, San Jose, CA.
- ["The Power of Failure, People and Karma Banking,"](#) May 20, 2012, Commencement speech, St. Mary's College, Moraga, CA.
- *"Raising the Floor," October, 2011, Keynote Speech, Association for Education and Rehabilitation of the Blind and Visually Impaired Conference, Cleveland OH.*
- *Keynote speech, IEEE Sections Congress, August 2011, San Francisco, CA.*
- ["Making the Book Truly Accessible,"](#) Tools of Change Conference, New York, NY, 2011 Keynote Speech
- UBS-Ashoka Visionaris Award, Keynote Speech, Social Entrepreneur of the Year Award, Mexico City, Mexico, September, 2010
- A series of three invited speeches on Bookshare and accessible books, in Tokyo, Shizuoka and Osaka, Japan, February, 2009
- Keynote Speech, Social Enterprise World Forum, Edinburgh, Scotland, September, 2008
- "Raising the Floor: Providing Accessible Technology and Content to Every Person with a Disability on the Planet," International Conference on Computers Helping People with Special Needs, Linz, Austria, July, 2008 Keynote Speech
- "Raising the Floor," CSUN Conference on Technology and Persons with Disabilities, March, 2008 Keynote Speech

- Extensive speaking engagements to students about technology serving people with disabilities. Have done invited talks at:
 - Stanford University
 - University of California at Berkeley
 - Brigham Young University
 - University of the Pacific
 - Santa Clara University
 - California Institute of Technology
 - San Jose State
 - University of California at Santa Cruz
 - University of California at Davis
 - Loyola Marymount University
 - Pepperdine University
 - University of Washington
 - Columbia University
 - Harvard University
 - University of Geneva
 - Oxford University
- Inflection Point Opportunities in Social Investment, Closing Keynote for the UBS Philanthropy Forum, Lisbon, Portugal, July 2007
- It's Not Rocket Science: Building Social Enterprises, Keynote for the 7th Gathering of the Social Enterprise Alliance, Atlanta, Georgia, March 2006
- Opening Keynote for the Global Social Venture Competition, New York, April, 2006
- Keynote for the 7th IAPR Workshop on Document Analysis Systems, Nelson, New Zealand, February 2006
- [Building a Global Library for People with Print Disabilities](#), a speech for the World Summit on the Information Society, Tunis, Tunisia, November 2005
- Innovating Information Technologies to Protect Human Rights, a speech for the World Affairs Council of Northern California, February 2004
- Setting the 2004 Agenda: Technology, speaker at the World Economic Forum, Davos, Switzerland, January 2004
- Seizing Market Failure as an Investment Opportunity, Keynote for the Business for Social Responsibility Annual Conference, Los Angeles, November 2003.
- In the Palm of Your Hand, Keynote for the World Blind Union Asia Pacific conference, Singapore, November, 2003
- Technology and Human Rights, University of Peradeniya, Sri Lanka, November, 2003
- When Markets Fail, Who Responds? Discussion Leader at the World Economic Forum, Davos, Switzerland, January 2003
- Technology for Nonprofits, with Michael Gilbert, National Gathering for Social Entrepreneurs, Minneapolis, MN, December, 2002
- Bookshare: Large Scale, Web-Based Accessible Books, TechShare conference organized by

the Royal National Institute of the Blind, Birmingham, UK, November 2002

- Putting Technology to Work for Development, speech at the United Nations to the joint meeting of the World Technology Network and UNOPS, July 2002
- Bookshare: The Project for Creating Accessible Books through Computers, at the General Session of the [National Federation of the Blind](#) 2002 Annual Convention, July 2002
- Stanford Social Entrepreneurship Conference, January 2002
- [The Once and Future Web: Tenth Anniversary of the First U.S. Web Page](#) at the Stanford Linear Accelerator Laboratory, December 2001
- NetImpact Annual Conference at Kenan-Flagler Business School, November 2001
- American Council of the Blind Annual Convention, July 2001
- [Bringing Socially Beneficial Technology into the Service of Humanity](#), EE380 at Stanford University, April 2001
- Information Technology in the Service of Human Rights at the Computers, Freedom and Privacy Conference, March 2001
- Rank Prize Fund Symposium, Grasmere, England
- Guest Lecturer for CSUN program in disability leadership

Professional Associations

- Association for Computing Machinery
- Institute of Electrical and Electronics Engineers
- American Association for the Advancement of Science
- Social Enterprise Alliance

Awards and Public Service

- Head of Benetech Delegation, Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities, World Intellectual Property Organization, Marrakesh, Morocco (2013)
- Member, Global Agenda Council on Measuring Sustainability, World Economic Forum (2012-2014)
- Member of the Board of Directors, ZeroDivide, foundation investing in community enterprises that leverage technology to benefit people in low-income and other underserved communities (2007-2013)
- Commissioner, Federal Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, 2010-2011
- Duke University, CASE Award for Enterprising Social Innovation, 2011
- Brigham Young University, Center for Economic Self-Reliance Social Innovator of the Year, 2009
- AT&T Technology Innovation Award from the Alliance for Technology Access, March

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2008

- Strache Leadership Award from the California State University, Northridge, 2007
- John D. and Catherine T. MacArthur Foundation Fellowship, 2006
- Technical Advisory Committee Member, National Instructional Materials Accessibility Standard, U.S. Department of Education (2005-2008)
- Advisory Committee Member, National Instructional Materials Accessibility Center, U.S. Department of Education (2006-present)
- [Skoll Award for Social Entrepreneurship](#), 2004 and 2006
- Fast Company Social Capitalist Award: Top 20 Groups Changing the World, 2004
- Laureate, [The 2003 and 2001 Tech Museum Awards](#)
- [American Library Association Francis Joseph Campbell Award](#), 2003
- [Schwab Foundation Outstanding Social Entrepreneur of 2003 Award](#)
- Member, the Community Partnership Committee, which oversees a diversity and disability agreement with SBC, Inc.
- Runner-up, Yale-Goldman Sachs National Nonprofit Business Plan Competition, 2003
- American Foundation for the Blind Access Award, 2003
- [Robert S. Bray Award](#), The American Council of the Blind
- Winner, Education Category, 2002 Stockholm Challenge
- [Fast 50 Champion of Innovation](#) 2002
- Judge, 2002 [National Social Venture Competition](#)
- Member, Board of Directors of the [Social Enterprise Alliance](#) (2000-2010, chair 2008-2010)
- Member of the Advisory Board, Telecommunications Access Rehabilitation Engineering Research Center, a joint effort of the Trace R&D Center of the University of Wisconsin-Madison and the Technology Access Program of Gallaudet University, 2001
- Panelist, National Science Foundation Small Business Innovation Research Program, 1998, 2000, 2003
- Participant, 1998 NSF Workshop for Discussing Research Priorities and Evaluation Strategies in Speech Synthesis, August, 1998
- Member, Electronic Information and Technology Access Advisory Committee, a federal advisory committee responsible for drafting federal acquisition standards for accessibility under Section 508, 1998-1999
- Member, Telecommunications Access Advisory Committee, a federal advisory committee responsible for making recommendations to the U.S. Access Board and Federal Communications Commission on implementing portions of the 1996 Telecommunications Act, 1996-1997
- U.S. Patent Number 5,470,223: System and Method for Tracking a Pedestrian

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- Finalist, 1996 Discover Magazine Awards for Technological Innovation
- 1996 Access Award, American Foundation for the Blind

Major Works and Areas of Expertise

- Founder and CEO of [Benetech](#), a highly innovative nonprofit company focused on using the power of technology to address social needs in areas such as disability, literacy, human rights and the environment.
- Founder of Arkenstone, Inc., a leading nonprofit organization providing adaptive technology for education and employment for people with disabilities and the largest maker of reading systems for people with blindness, vision impairment and learning disabilities. Developer of the Arkenstone Reader, the first affordable reading system for the blind. Designer of Open Book, the first talking Windows program for the blind. Co-inventor of Atlas Speaks, the first accessible map software for the blind, and of Strider, a talking GPS locator for the blind.
- Cofounder of [RAF Technology, Inc.](#), the nation's leading company in optical character recognition technology for processing forms in postal and medical applications. RAF's software is used to route the United States mail.
- Cofounder of Calera Recognition Systems, Inc., the first company to develop omnifont optical character recognition that works without user training.

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Case 1:13-cv-01215-TSC Document 222-6 Filed 12/22/19 Page 160 of 231

Exhibit B

Documents, Facts, or Data Considered in Forming My Opinions:

- The ASHRAE website, at www.ashrae.org
- The ASTM website, at www.astm.org
- The NFPA website, at www.nfpa.org
- The Public.Resource.Org website, at www.public.resource.org
- World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0, at <http://www.w3.org/TR/WCAG20/>
- Window-Eyes screen reader software
- JAWS screen reader software
- I also consulted with a blind engineer (and skilled daily user of screen reader technology) to confirm the specific accessibility challenges I found in my tests

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Exhibit C

[\[contents\]](#)



Web Content Accessibility Guidelines (WCAG) 2.0

W3C Recommendation 11 December 2008

This version:

<http://www.w3.org/TR/2008/REC-WCAG20-20081211/>

Latest version:

<http://www.w3.org/TR/WCAG20/>

Previous version:

<http://www.w3.org/TR/2008/PR-WCAG20-20081103/>

Editors:

Ben Caldwell, Trace R&D Center, University of Wisconsin-Madison
Michael Cooper, W3C
Loretta Guarino Reid, Google, Inc.
Gregg Vanderheiden, Trace R&D Center, University of Wisconsin-Madison

Previous Editors:

Wendy Chisholm (until July 2006 while at W3C)
John Slatin (until June 2006 while at Accessibility Institute, University of Texas at Austin)
Jason White (until June 2005 while at University of Melbourne)

Please refer to the [errata](#) for this document, which may include normative corrections.

See also [translations](#).

This document is also available in non-normative formats, available from [Alternate Versions of Web Content Accessibility Guidelines 2.0](#).

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Abstract

Web Content Accessibility Guidelines (WCAG) 2.0 covers a wide range of recommendations for making Web content more accessible. Following these guidelines will make content accessible to a wider range of people with disabilities, including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these. Following these guidelines will also often make your Web content more usable to users in general.

WCAG 2.0 success criteria are written as testable statements that are not technology-specific. Guidance about satisfying the success criteria in specific technologies, as well as general information about interpreting the success criteria, is provided in separate documents. See [Web Content Accessibility Guidelines \(WCAG\) Overview](#) for an introduction and links to WCAG technical and educational material.

WCAG 2.0 succeeds [Web Content Accessibility Guidelines 1.0 \[WCAG10\]](#), which was published as a W3C Recommendation May 1999. Although it is possible to conform either to WCAG 1.0 or to WCAG 2.0 (or both), the W3C recommends that new and updated content use WCAG 2.0. The W3C also recommends that Web accessibility policies reference WCAG 2.0.

Status of this Document

This section describes the status of this document at the time of its publication. Other documents may supersede this

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document. A list of current W3C publications and the latest revision of this technical report can be found in the [W3C technical reports index](http://www.w3.org/TR/) at <http://www.w3.org/TR/>.

This is the Web Content Accessibility Guidelines (WCAG) 2.0 [W3C Recommendation](#) from the [Web Content Accessibility Guidelines Working Group](#).

This document has been reviewed by W3C Members, by software developers, and by other W3C groups and interested parties, and is endorsed by the Director as a W3C Recommendation. It is a stable document and may be used as reference material or cited from another document. W3C's role in making the Recommendation is to draw attention to the specification and to promote its widespread deployment. This enhances the functionality and interoperability of the Web.

WCAG 2.0 is supported by the associated non-normative documents, [Understanding WCAG 2.0](#) and [Techniques for WCAG 2.0](#). Although those documents do not have the formal status that WCAG 2.0 itself has, they provide information important to understanding and implementing WCAG.

The Working Group requests that any comments be made using the provided [online comment form](#). If this is not possible, comments can also be sent to public-comments-wcag20@w3.org. The [archives for the public comments list](#) are publicly available. Comments received on the WCAG 2.0 Recommendation cannot result in changes to this version of the guidelines, but may be addressed in errata or future versions of WCAG. The Working Group does not plan to make formal responses to comments. Archives of the [WCAG WG mailing list discussions](#) are publicly available, and future work undertaken by the Working Group may address comments received on this document.

This document has been produced as part of the W3C [Web Accessibility Initiative](#) (WAI). The goals of the WCAG Working Group are discussed in the [WCAG Working Group charter](#). The WCAG Working Group is part of the [WAI Technical Activity](#).

This document was produced by a group operating under the [5 February 2004 W3C Patent Policy](#). W3C maintains a [public list of any patent disclosures](#) made in connection with the deliverables of the group; that page also includes instructions for disclosing a patent. An individual who has actual knowledge of a patent which the individual believes contains [Essential Claim\(s\)](#) must disclose the information in accordance with [section 6 of the W3C Patent Policy](#).

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Introduction

This section is informative.

Web Content Accessibility Guidelines (WCAG) 2.0 defines how to make Web content more accessible to people with disabilities. Accessibility involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities. Although these guidelines cover a wide range of issues, they are not able to address the needs of people with all types, degrees, and combinations of disability. These guidelines also make Web content more usable by older individuals with changing abilities due to aging and often improve usability for users in general.

WCAG 2.0 is developed through the [W3C process](#) in cooperation with individuals and organizations around the world, with a goal of providing a shared standard for Web content accessibility that meets the needs of individuals, organizations, and governments internationally. WCAG 2.0 builds on WCAG 1.0 [\[WCAG10\]](#) and is designed to apply broadly to different Web technologies now and in the future, and to be testable with a combination of automated testing and human evaluation. For an introduction to WCAG, see the [Web Content Accessibility Guidelines \(WCAG\) Overview](#).

Web accessibility depends not only on accessible content but also on accessible Web browsers and other user agents. Authoring tools also have an important role in Web accessibility. For an overview of how these components of Web development and interaction work together, see:

- [Essential Components of Web Accessibility](#)
- [User Agent Accessibility Guidelines \(UAAG\) Overview](#)
- [Authoring Tool Accessibility Guidelines \(ATAG\) Overview](#)

WCAG 2.0 Layers of Guidance

The individuals and organizations that use WCAG vary widely and include Web designers and developers, policy makers, purchasing agents, teachers, and students. In order to meet the varying needs of this audience, several layers of guidance are provided including overall *principles*, general *guidelines*, testable *success criteria* and a rich collection of *sufficient techniques*, *advisory techniques*, and *documented common failures* with examples, resource links and code.

- **Principles** - At the top are four principles that provide the foundation for Web accessibility: *perceivable*, *operable*, *understandable*, and *robust*. See also [Understanding the Four Principles of Accessibility](#).
- **Guidelines** - Under the principles are guidelines. The 12 guidelines provide the basic goals that authors should work toward in order to make content more accessible to users with different disabilities. The guidelines are not testable, but provide the framework and overall objectives to help authors understand the success criteria and better implement the techniques.
- **Success Criteria** - For each guideline, testable success criteria are provided to allow WCAG 2.0 to be used where requirements and conformance testing are necessary such as in design specification, purchasing, regulation, and contractual agreements. In order to meet the needs of different groups and different situations, three levels of conformance are defined: A (lowest), AA, and AAA (highest). Additional information on WCAG levels can be found in [Understanding Levels of Conformance](#).
- **Sufficient and Advisory Techniques** - For each of the *guidelines* and *success criteria* in the WCAG 2.0 document itself, the working group has also documented a wide variety of *techniques*. The techniques are informative and fall into two categories: those that are *sufficient* for meeting the success criteria and those that are *advisory*. The advisory techniques go beyond what is required by the individual success criteria and allow authors to better address the guidelines. Some advisory techniques address accessibility barriers that are not covered by the testable success criteria. Where common failures are known, these are also documented. See also [Sufficient and Advisory](#)

All of these layers of guidance (principles, guidelines, success criteria, and sufficient and advisory techniques) work together to provide guidance on how to make content more accessible. Authors are encouraged to view and apply all layers that they are able to, including the advisory techniques, in order to best address the needs of the widest possible range of users.

Note that even content that conforms at the highest level (AAA) will not be accessible to individuals with all types, degrees, or combinations of disability, particularly in the cognitive language and learning areas. Authors are encouraged to consider the full range of techniques, including the advisory techniques, as well as to seek relevant advice about current best practice to ensure that Web content is accessible, as far as possible, to this community. [Metadata](#) may assist users in finding content most suitable for their needs.

WCAG 2.0 Supporting Documents

The WCAG 2.0 document is designed to meet the needs of those who need a stable, referenceable technical standard. Other documents, called supporting documents, are based on the WCAG 2.0 document and address other important purposes, including the ability to be updated to describe how WCAG would be applied with new technologies. Supporting documents include:

1. [How to Meet WCAG 2.0](#) - A customizable quick reference to WCAG 2.0 that includes all of the guidelines, success criteria, and techniques for authors to use as they are developing and evaluating Web content.
2. [Understanding WCAG 2.0](#) - A guide to understanding and implementing WCAG 2.0. There is a short "Understanding" document for each guideline and success criterion in WCAG 2.0 as well as key topics.
3. [Techniques for WCAG 2.0](#) - A collection of techniques and common failures, each in a separate document that includes a description, examples, code and tests.
4. [The WCAG 2.0 Documents](#) - A diagram and description of how the technical documents are related and linked.

See [Web Content Accessibility Guidelines \(WCAG\) Overview](#) for a description of the WCAG 2.0 supporting material, including education resources related to WCAG 2.0. Additional resources covering topics such as the business case for Web accessibility, planning implementation to improve the accessibility of Web sites, and accessibility policies are listed in [WAI Resources](#).

Important Terms in WCAG 2.0

WCAG 2.0 includes three important terms that are different from WCAG 1.0. Each of these is introduced briefly below and defined more fully in the glossary.

Web Page

It is important to note that, in this standard, the term "[Web page](#)" includes much more than static HTML pages. It also includes the increasingly dynamic Web pages that are emerging on the Web, including "pages" that can present entire virtual interactive communities. For example, the term "Web page" includes an immersive, interactive movie-like experience found at a single URI. For more information, see [Understanding "Web Page"](#).

Programmatically Determined

Several success criteria require that content (or certain aspects of content) can be "[programmatically determined](#)." This means that the content is delivered in such a way that [user agents](#), including [assistive technologies](#), can extract and present this information to users in different modalities. For more information, see [Understanding Programmatically Determined](#).

Accessibility Supported

Using a technology in a way that is accessibility supported means that it works with assistive technologies (AT) and the accessibility features of operating systems, browsers, and other user agents. Technology features can only be relied upon to conform to WCAG 2.0 success criteria if they are used in a way that is "[accessibility supported](#)". Technology features can be used in ways that are not accessibility supported (do not work with assistive technologies, etc.) as long as they are not relied upon to conform to any success criterion (i.e., the same information or functionality is also available another way that is supported).

The definition of "accessibility supported" is provided in the [Appendix A: Glossary](#) section of these guidelines. For more information, see [Understanding Accessibility Support](#).

WCAG 2.0 Guidelines

Principle 1: Perceivable - Information and user interface components must be presentable to users in ways they can perceive.

Guideline 1.1 Text Alternatives: Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, braille, speech, symbols or simpler language.

[Understanding Guideline 1.1](#)

1.1.1 Non-text Content: All non-text content that is presented to the user has a text alternative that serves the equivalent purpose, except for the situations listed below. (Level A)

[How to Meet 1.1.1](#)
[Understanding 1.1.1](#)

- **Controls, Input:** If non-text content is a control or accepts user input, then it has a name that describes its purpose. (Refer to [Guideline 4.1](#) for additional requirements for controls and content that accepts user input.)
- **Time-Based Media:** If non-text content is time-based media, then text alternatives at least provide descriptive identification of the non-text content. (Refer to [Guideline 1.2](#) for additional requirements for media.)
- **Test:** If non-text content is a test or exercise that would be invalid if presented in text, then text alternatives at least provide descriptive identification of the non-text content.
- **Sensory:** If non-text content is primarily intended to create a specific sensory experience, then text alternatives at least provide descriptive identification of the non-text content.
- **CAPTCHA:** If the purpose of non-text content is to confirm that content is being accessed by a person rather than a computer, then text alternatives that identify and describe the purpose of the non-text content are provided, and alternative forms of CAPTCHA using output modes for different types of sensory perception are provided to accommodate different disabilities.
- **Decoration, Formatting, Invisible:** If non-text content is pure decoration, is used only for visual formatting, or is not presented to users, then it is implemented in a way that it can be ignored by assistive technology.

Guideline 1.2 Time-based Media: Provide alternatives for time-based media.

[Understanding Guideline 1.2](#)

1.2.1 Audio-only and Video-only (Prerecorded): For prerecorded audio-only and prerecorded video-only media, the following are true, except when the audio or video is a media alternative for text and is clearly labeled as such: (Level A)

[How to Meet 1.2.1](#)
[Understanding 1.2.1](#)

- **Prerecorded Audio-only:** An alternative for time-based media is provided that presents equivalent information for prerecorded audio-only content.
- **Prerecorded Video-only:** Either an alternative for time-based media or an audio track is provided that presents equivalent information for prerecorded video-only content.

1.2.2 Captions (Prerecorded): Captions are provided for all prerecorded audio content in synchronized media, except when the media is a media alternative for text and is clearly labeled as such. (Level A)

[How to Meet 1.2.2](#)
[Understanding 1.2.2](#)

1.2.3 Audio Description or Media Alternative (Prerecorded): An alternative for time-based media or audio description of the prerecorded video content is provided for synchronized media, except when the media is a media alternative for text and is clearly labeled as such. (Level A)

[How to Meet 1.2.3](#)
[Understanding 1.2.3](#)

1.2.4 Captions (Live): Captions are provided for all live audio content in synchronized media. (Level AA)

[How to Meet 1.2.4](#)
[Understanding 1.2.4](#)

1.2.5 Audio Description (Prerecorded): Audio description is provided for all prerecorded video content in synchronized media. (Level AA)

[How to Meet 1.2.5](#)
[Understanding 1.2.5](#)

1.2.6 Sign Language (Prerecorded): Sign language interpretation is provided for all prerecorded audio content in synchronized media. (Level AAA)

[How to Meet 1.2.6](#)
[Understanding 1.2.6](#)

1.2.7 Extended Audio Description (Prerecorded): Where pauses in foreground audio are insufficient to allow audio descriptions to convey the sense of the video, extended audio description is provided for all prerecorded video content in synchronized media. (Level AAA)

[How to Meet 1.2.7](#)
[Understanding 1.2.7](#)

1.2.8 Media Alternative (Prerecorded): An alternative for time-based media is provided for all prerecorded synchronized media and for all prerecorded video-only media. (Level AAA)

[How to Meet 1.2.8](#)
[Understanding 1.2.8](#)

1.2.9 Audio-only (Live): An alternative for time-based media that presents equivalent information for live audio-only content is provided. (Level AAA)

[How to Meet 1.2.9](#)
[Understanding 1.2.9](#)

Guideline 1.3 Adaptable: Create content that can be presented in different ways (for example simpler layout) without losing information or structure.

[Understanding Guideline 1.3](#)

1.3.1 Info and Relationships: Information, structure, and relationships conveyed through presentation can be programmatically determined or are available in text. (Level A)

[How to Meet 1.3.1](#)
[Understanding 1.3.1](#)

1.3.2 Meaningful Sequence: When the sequence in which content is presented affects its meaning, a correct reading sequence can be programmatically determined. (Level A)

[How to Meet 1.3.2](#)
[Understanding 1.3.2](#)

1.3.3 Sensory Characteristics: Instructions provided for understanding and operating content do not rely solely on sensory characteristics of components such as shape, size, visual location, orientation, or sound. (Level A)

[How to Meet 1.3.3](#)
[Understanding 1.3.3](#)

Note: For requirements related to color, refer to [Guideline 1.4](#).

Guideline 1.4 Distinguishable: Make it easier for users to see and hear content including separating foreground from background.

[Understanding Guideline 1.4](#)

1.4.1 Use of Color: Color is not used as the only visual means of conveying information, indicating an action, prompting a response, or distinguishing a visual element. (Level A)

[How to Meet 1.4.1](#)
[Understanding 1.4.1](#)

Note: This success criterion addresses color perception specifically. Other forms of perception are covered in [Guideline 1.3](#) including programmatic access to color and other visual presentation coding.

1.4.2 Audio Control: If any audio on a Web page plays automatically for more than 3 seconds, either a mechanism is available to pause or stop the audio, or a mechanism is available to control audio volume independently from the overall system volume level. (Level A)

[How to Meet 1.4.2](#)
[Understanding 1.4.2](#)

Note: Since any content that does not meet this success criterion can interfere with a user's ability to use the whole page, all content on the Web page (whether or not it is used to meet other success criteria) must meet this success criterion. See [Conformance Requirement 5: Non-Interference](#).

1.4.3 Contrast (Minimum): The visual presentation of text and images of text has a contrast ratio of at least 4.5:1, except for the following: (Level AA)

[How to Meet 1.4.3](#)
[Understanding 1.4.3](#)

- **Large Text:** Large-scale text and images of large-scale text have a contrast ratio of at least 3:1;
- **Incidental:** Text or images of text that are part of an inactive user interface component, that are pure decoration, that are not visible to anyone, or that are part of a picture that contains significant other visual content, have no contrast requirement.
- **Logotypes:** Text that is part of a logo or brand name has no minimum contrast requirement.

1.4.4 Resize text: Except for captions and images of text, text can be resized without assistive technology up to 200 percent without loss of content or functionality. (Level AA)

[How to Meet 1.4.4](#)
[Understanding 1.4.4](#)

1.4.5 Images of Text: If the technologies being used can achieve the visual presentation, text is used to convey information rather than images of text except for the following: (Level AA)

[How to Meet 1.4.5](#)
[Understanding 1.4.5](#)

- **Customizable:** The image of text can be visually customized to the user's requirements;
- **Essential:** A particular presentation of text is essential to the information being conveyed.

Note: Logotypes (text that is part of a logo or brand name) are considered essential.

1.4.6 Contrast (Enhanced): The visual presentation of text and images of text has a contrast ratio of at least 7:1, except for the following: (Level AAA)

[How to Meet 1.4.6](#)
[Understanding 1.4.6](#)

- **Large Text:** Large-scale text and images of large-scale text have a contrast ratio of at least 4.5:1;
- **Incidental:** Text or images of text that are part of an inactive user interface component, that are pure decoration, that are not visible to anyone, or that are part of a picture that contains significant other visual content, have no contrast requirement.
- **Logotypes:** Text that is part of a logo or brand name has no minimum contrast requirement.

1.4.7 Low or No Background Audio: For prerecorded audio-only content that (1) contains primarily speech in the foreground, (2) is not an audio CAPTCHA or audio logo, and (3) is not vocalization intended to be primarily musical expression such as singing or rapping, at least one of the following is true: (Level AAA)

[How to Meet 1.4.7](#)
[Understanding 1.4.7](#)

- **No Background:** The audio does not contain background sounds.
- **Turn Off:** The background sounds can be turned off.
- **20 dB:** The background sounds are at least 20 decibels lower than the foreground speech content, with the exception of occasional sounds that last for only one or two seconds.

Note: Per the definition of "decibel," background sound that meets this requirement will be approximately four times quieter than the foreground speech content.

1.4.8 Visual Presentation: For the visual presentation of blocks of text, a mechanism is available to achieve the following: (Level AAA)

[How to Meet 1.4.8](#)
[Understanding 1.4.8](#)

1. Foreground and background colors can be selected by the user.
2. Width is no more than 80 characters or glyphs (40 if CJK).
3. Text is not justified (aligned to both the left and the right margins).
4. Line spacing (leading) is at least space-and-a-half within paragraphs, and paragraph spacing is at least 1.5 times larger than the line spacing.
5. Text can be resized without assistive technology up to 200 percent in a way that does not require the user to scroll horizontally to read a line of text on a full-screen window.

1.4.9 Images of Text (No Exception): Images of text are only used for pure decoration or where a particular presentation of text is essential to the information being conveyed. (Level AAA)

[How to Meet 1.4.9](#)
[Understanding 1.4.9](#)

Note: Logotypes (text that is part of a logo or brand name) are considered essential.

Principle 2: Operable - User interface components and navigation must be operable.

Guideline 2.1 Keyboard Accessible: Make all functionality available from a keyboard.

[Understanding Guideline 2.1](#)

2.1.1 Keyboard: All functionality of the content is operable through a keyboard interface without requiring specific timings for individual keystrokes, except where the underlying function requires input that depends on the path of the user's movement and not just the endpoints. (Level A)

[How to Meet 2.1.1](#)
[Understanding 2.1.1](#)

Note 1: This exception relates to the underlying function, not the input technique. For example, if using handwriting to enter text, the input technique (handwriting) requires path-dependent input but the underlying function (text input) does not.

Note 2: This does not forbid and should not discourage providing mouse input or other input methods in addition to keyboard operation.

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2.1.2 No Keyboard Trap: If keyboard focus can be moved to a component of the page using a keyboard interface, then focus can be moved away from that component using only a keyboard interface, and, if it requires more than unmodified arrow or tab keys or other standard exit methods, the user is advised of the method for moving focus away. (Level A)

Note: Since any content that does not meet this success criterion can interfere with a user's ability to use the whole page, all content on the Web page (whether it is used to meet other success criteria or not) must meet this success criterion. See [Conformance Requirement 5: Non-Interference](#).

How to Meet 2.1.2
[Understanding 2.1.2](#)

2.1.3 Keyboard (No Exception): All functionality of the content is operable through a keyboard interface without requiring specific timings for individual keystrokes. (Level AAA)

How to Meet 2.1.3
[Understanding 2.1.3](#)

Guideline 2.2 Enough Time: Provide users enough time to read and use content.

[Understanding Guideline 2.2](#)

2.2.1 Timing Adjustable: For each time limit that is set by the content, at least one of the following is true: (Level A)

- **Turn off:** The user is allowed to turn off the time limit before encountering it; or
- **Adjust:** The user is allowed to adjust the time limit before encountering it over a wide range that is at least ten times the length of the default setting; or
- **Extend:** The user is warned before time expires and given at least 20 seconds to extend the time limit with a simple action (for example, "press the space bar"), and the user is allowed to extend the time limit at least ten times; or
- **Real-time Exception:** The time limit is a required part of a real-time event (for example, an auction), and no alternative to the time limit is possible; or
- **Essential Exception:** The time limit is essential and extending it would invalidate the activity; or
- **20 Hour Exception:** The time limit is longer than 20 hours.

Note: This success criterion helps ensure that users can complete tasks without unexpected changes in content or context that are a result of a time limit. This success criterion should be considered in conjunction with [Success Criterion 3.2.1](#), which puts limits on changes of content or context as a result of user action.

How to Meet 2.2.1
[Understanding 2.2.1](#)

2.2.2 Pause, Stop, Hide: For moving, blinking, scrolling, or auto-updating information, all of the following are true: (Level A)

- **Moving, blinking, scrolling:** For any moving, blinking or scrolling information that (1) starts automatically, (2) lasts more than five seconds, and (3) is presented in parallel with other content, there is a mechanism for the user to pause, stop, or hide it unless the movement, blinking, or scrolling is part of an activity where it is essential; and
- **Auto-updating:** For any auto-updating information that (1) starts automatically and (2) is presented in parallel with other content, there is a mechanism for the user to pause, stop, or hide it or to control the frequency of the update unless the auto-updating is part of an activity where it is essential.

Note 1: For requirements related to flickering or flashing content, refer to [Guideline 2.3](#).

Note 2: Since any content that does not meet this success criterion can interfere with a user's ability to use the whole page, all content on the Web page (whether it is used to meet other success criteria or not) must meet this success criterion. See [Conformance Requirement 5: Non-Interference](#).

Note 3: Content that is updated periodically by software or that is streamed to the user agent is not required to preserve or present information that is generated or received between the initiation of the pause and resuming presentation, as this may not be technically possible, and in many situations could be misleading to do so.

How to Meet 2.2.2
[Understanding 2.2.2](#)

Note 4: An animation that occurs as part of a preload phase or similar situation can be considered essential if interaction cannot occur during that phase for all users and if not indicating progress could confuse users or cause them to think that content was frozen or broken.

2.2.3 No Timing: Timing is not an essential part of the event or activity presented by the content, except for non-interactive synchronized media and real-time events. (Level AAA)

[How to Meet 2.2.3](#)
[Understanding 2.2.3](#)

2.2.4 Interruptions: Interruptions can be postponed or suppressed by the user, except interruptions involving an emergency. (Level AAA)

[How to Meet 2.2.4](#)
[Understanding 2.2.4](#)

2.2.5 Re-authenticating: When an authenticated session expires, the user can continue the activity without loss of data after re-authenticating. (Level AAA)

[How to Meet 2.2.5](#)
[Understanding 2.2.5](#)

Guideline 2.3 Seizures: Do not design content in a way that is known to cause seizures.

[Understanding Guideline 2.3](#)

2.3.1 Three Flashes or Below Threshold: Web pages do not contain anything that flashes more than three times in any one second period, or the flash is below the general flash and red flash thresholds. (Level A)

[How to Meet 2.3.1](#)
[Understanding 2.3.1](#)

Note: Since any content that does not meet this success criterion can interfere with a user's ability to use the whole page, all content on the Web page (whether it is used to meet other success criteria or not) must meet this success criterion. See [Conformance Requirement 5: Non-Interference](#).

2.3.2 Three Flashes: Web pages do not contain anything that flashes more than three times in any one second period. (Level AAA)

[How to Meet 2.3.2](#)
[Understanding 2.3.2](#)

Guideline 2.4 Navigable: Provide ways to help users navigate, find content, and determine where they are.

[Understanding Guideline 2.4](#)

2.4.1 Bypass Blocks: A mechanism is available to bypass blocks of content that are repeated on multiple Web pages. (Level A)

[How to Meet 2.4.1](#)
[Understanding 2.4.1](#)

2.4.2 Page Titled: Web pages have titles that describe topic or purpose. (Level A)

[How to Meet 2.4.2](#)
[Understanding 2.4.2](#)

2.4.3 Focus Order: If a Web page can be navigated sequentially and the navigation sequences affect meaning or operation, focusable components receive focus in an order that preserves meaning and operability. (Level A)

[How to Meet 2.4.3](#)
[Understanding 2.4.3](#)

2.4.4 Link Purpose (In Context): The purpose of each link can be determined from the link text alone or from the link text together with its programmatically determined link context, except where the purpose of the link would be ambiguous to users in general. (Level A)

[How to Meet 2.4.4](#)
[Understanding 2.4.4](#)

2.4.5 Multiple Ways: More than one way is available to locate a Web page within a set of Web pages except where the Web Page is the result of, or a step in, a process. (Level AA)

[How to Meet 2.4.5](#)
[Understanding 2.4.5](#)

How to Meet 2.4.6
Understanding 2.4.6

2.4.7 Focus Visible: Any keyboard operable user interface has a mode of operation where the keyboard focus indicator is visible. (Level AA)

How to Meet 2.4.7
Understanding 2.4.7

2.4.8 Location: Information about the user's location within a set of Web pages is available. (Level AAA)

How to Meet 2.4.8
Understanding 2.4.8

2.4.9 Link Purpose (Link Only): A mechanism is available to allow the purpose of each link to be identified from link text alone, except where the purpose of the link would be ambiguous to users in general. (Level AAA)

How to Meet 2.4.9
Understanding 2.4.9

2.4.10 Section Headings: Section headings are used to organize the content. (Level AAA)

How to Meet 2.4.10
Understanding 2.4.10

Note 1: "Heading" is used in its general sense and includes titles and other ways to add a heading to different types of content.

Note 2: This success criterion covers sections within writing, not user interface components. User Interface components are covered under [Success Criterion 4.1.2](#).

Principle 3: Understandable - Information and the operation of user interface must be understandable.

Guideline 3.1 Readable: Make text content readable and understandable.

[Understanding Guideline 3.1](#)

3.1.1 Language of Page: The default human language of each Web page can be programmatically determined. (Level A)

How to Meet 3.1.1
Understanding 3.1.1

3.1.2 Language of Parts: The human language of each passage or phrase in the content can be programmatically determined except for proper names, technical terms, words of indeterminate language, and words or phrases that have become part of the vernacular of the immediately surrounding text. (Level AA)

How to Meet 3.1.2
Understanding 3.1.2

3.1.3 Unusual Words: A mechanism is available for identifying specific definitions of words or phrases used in an unusual or restricted way, including idioms and jargon. (Level AAA)

How to Meet 3.1.3
Understanding 3.1.3

3.1.4 Abbreviations: A mechanism for identifying the expanded form or meaning of abbreviations is available. (Level AAA)

How to Meet 3.1.4
Understanding 3.1.4

3.1.5 Reading Level: When text requires reading ability more advanced than the lower secondary education level after removal of proper names and titles, supplemental content, or a version that does not require reading ability more advanced than the lower secondary education level, is available. (Level AAA)

How to Meet 3.1.5
Understanding 3.1.5

3.1.6 Pronunciation: A mechanism is available for identifying specific pronunciation of words where meaning of the words, in context, is ambiguous without knowing the pronunciation. (Level AAA)

How to Meet 3.1.6
Understanding 3.1.6

Guideline 3.2 Predictable: Make Web pages appear and operate in predictable ways.

3.2.1 On Focus: When any component receives focus, it does not initiate a change of context. (Level A)

[How to Meet 3.2.1](#)
[Understanding 3.2.1](#)

3.2.2 On Input: Changing the setting of any user interface component does not automatically cause a change of context unless the user has been advised of the behavior before using the component. (Level A)

[How to Meet 3.2.2](#)
[Understanding 3.2.2](#)

3.2.3 Consistent Navigation: Navigational mechanisms that are repeated on multiple Web pages within a set of Web pages occur in the same relative order each time they are repeated, unless a change is initiated by the user. (Level AA)

[How to Meet 3.2.3](#)
[Understanding 3.2.3](#)

3.2.4 Consistent Identification: Components that have the same functionality within a set of Web pages are identified consistently. (Level AA)

[How to Meet 3.2.4](#)
[Understanding 3.2.4](#)

3.2.5 Change on Request: Changes of context are initiated only by user request or a mechanism is available to turn off such changes. (Level AAA)

[How to Meet 3.2.5](#)
[Understanding 3.2.5](#)

Guideline 3.3 Input Assistance: Help users avoid and correct mistakes.

[Understanding Guideline 3.3](#)

3.3.1 Error Identification: If an input error is automatically detected, the item that is in error is identified and the error is described to the user in text. (Level A)

[How to Meet 3.3.1](#)
[Understanding 3.3.1](#)

3.3.2 Labels or Instructions: Labels or instructions are provided when content requires user input. (Level A)

[How to Meet 3.3.2](#)
[Understanding 3.3.2](#)

3.3.3 Error Suggestion: If an input error is automatically detected and suggestions for correction are known, then the suggestions are provided to the user, unless it would jeopardize the security or purpose of the content. (Level AA)

[How to Meet 3.3.3](#)
[Understanding 3.3.3](#)

3.3.4 Error Prevention (Legal, Financial, Data): For Web pages that cause legal commitments or financial transactions for the user to occur, that modify or delete user-controllable data in data storage systems, or that submit user test responses, at least one of the following is true: (Level AA)

[How to Meet 3.3.4](#)
[Understanding 3.3.4](#)

1. **Reversible:** Submissions are reversible.
2. **Checked:** Data entered by the user is checked for input errors and the user is provided an opportunity to correct them.
3. **Confirmed:** A mechanism is available for reviewing, confirming, and correcting information before finalizing the submission.

3.3.5 Help: Context-sensitive help is available. (Level AAA)

[How to Meet 3.3.5](#)
[Understanding 3.3.5](#)

3.3.6 Error Prevention (All): For Web pages that require the user to submit information, at least one of the following is true: (Level AAA)

[How to Meet 3.3.6](#)
[Understanding 3.3.6](#)

1. **Reversible:** Submissions are reversible.

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2. **Checked:** Data entered by the user is checked for input errors and the user is provided an opportunity to correct them.
3. **Confirmed:** A mechanism is available for reviewing, confirming, and correcting information before finalizing the submission.

Principle 4: Robust - Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.

Guideline 4.1 Compatible: Maximize compatibility with current and future user agents, including assistive technologies.

[Understanding Guideline 4.1](#)

4.1.1 Parsing: In content implemented using markup languages, elements have complete start and end tags, elements are nested according to their specifications, elements do not contain duplicate attributes, and any IDs are unique, except where the specifications allow these features. (Level A)

[How to Meet 4.1.1](#)
[Understanding 4.1.1](#)

Note: Start and end tags that are missing a critical character in their formation, such as a closing angle bracket or a mismatched attribute value quotation mark are not complete.

4.1.2 Name, Role, Value: For all user interface components (including but not limited to: form elements, links and components generated by scripts), the name and role can be programmatically determined; states, properties, and values that can be set by the user can be programmatically set; and notification of changes to these items is available to user agents, including assistive technologies. (Level A)

[How to Meet 4.1.2](#)
[Understanding 4.1.2](#)

Note: This success criterion is primarily for Web authors who develop or script their own user interface components. For example, standard HTML controls already meet this success criterion when used according to specification.

Conformance

This section is normative.

This section lists requirements for conformance to WCAG 2.0. It also gives information about how to make conformance claims, which are optional. Finally, it describes what it means to be accessibility supported, since only accessibility-supported ways of using technologies can be relied upon for conformance. [Understanding Conformance](#) includes further explanation of the accessibility-supported concept.

Conformance Requirements

In order for a Web page to conform to WCAG 2.0, all of the following conformance requirements must be satisfied:

1. Conformance Level: One of the following levels of conformance is met in full.

- **Level A:** For Level A conformance (the minimum level of conformance), the Web page satisfies all the Level A Success Criteria, or a conforming alternate version is provided.
- **Level AA:** For Level AA conformance, the Web page satisfies all the Level A and Level AA Success Criteria, or a Level AA conforming alternate version is provided.
- **Level AAA:** For Level AAA conformance, the Web page satisfies all the Level A, Level AA and Level AAA Success Criteria, or a Level AAA conforming alternate version is provided.

Note 1: Although conformance can only be achieved at the stated levels, authors are encouraged to report (in their claim) any progress toward meeting success criteria from all levels beyond the achieved level of conformance.

Note 2: It is not recommended that Level AAA conformance be required as a general policy for entire sites because it is not possible to satisfy all Level AAA Success Criteria for some content.

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2. **Full pages:** Conformance (and conformance level) is for full Web page(s) only, and cannot be achieved if part of a Web page is excluded.

Note 1: For the purpose of determining conformance, alternatives to part of a page's content are considered part of the page when the alternatives can be obtained directly from the page, e.g., a long description or an alternative presentation of a video.

Note 2: Authors of Web pages that cannot conform due to content outside of the author's control may consider a [Statement of Partial Conformance](#).

3. Complete processes: When a Web page is one of a series of Web pages presenting a process (i.e., a sequence of steps that need to be completed in order to accomplish an activity), all Web pages in the process conform at the specified level or better. (Conformance is not possible at a particular level if any page in the process does not conform at that level or better.)

Example: An online store has a series of pages that are used to select and purchase products. All pages in the series from start to finish (checkout) conform in order for any page that is part of the process to conform.

4. Only Accessibility-Supported Ways of Using Technologies: Only accessibility-supported ways of using technologies are relied upon to satisfy the success criteria. Any information or functionality that is provided in a way that is not accessibility supported is also available in a way that is accessibility supported. (See [Understanding accessibility support](#).)

5. Non-Interference: If technologies are used in a way that is not accessibility supported, or if they are used in a non-conforming way, then they do not block the ability of users to access the rest of the page. In addition, the Web page as a whole continues to meet the conformance requirements under each of the following conditions:

1. when any technology that is not relied upon is turned on in a user agent,
2. when any technology that is not relied upon is turned off in a user agent, and
3. when any technology that is not relied upon is not supported by a user agent

In addition, the following success criteria apply to all content on the page, including content that is not otherwise relied upon to meet conformance, because failure to meet them could interfere with any use of the page:

- **1.4.2 - Audio Control,**
- **2.1.2 - No Keyboard Trap,**
- **2.3.1 - Three Flashes or Below Threshold,** and
- **2.2.2 - Pause, Stop, Hide.**

Note: If a page cannot conform (for example, a conformance test page or an example page), it cannot be included in the scope of conformance or in a conformance claim.

For more information, including examples, see [Understanding Conformance Requirements](#).

Conformance Claims (Optional)

Conformance is defined only for Web pages. However, a conformance claim may be made to cover one page, a series of pages, or multiple related Web pages.

Required Components of a Conformance Claim

Conformance claims are **not required**. Authors can conform to WCAG 2.0 without making a claim. However, if a conformance claim is made, then the conformance claim **must** include the following information:

1. **Date** of the claim
2. **Guidelines title, version and URI** "Web Content Accessibility Guidelines 2.0 at <http://www.w3.org/TR/2008/REC-WCAG20-20081211/>"
3. **Conformance level** satisfied: (Level A, AA or AAA)
4. **A concise description of the Web pages**, such as a list of URIs for which the claim is made, including whether subdomains are included in the claim.

Note 1: The Web pages may be described by list or by an expression that describes all of the URIs included in the claim.

Note 2: Web-based products that do not have a URI prior to installation on the customer's Web site may have a statement that the product would conform when installed.

5. A list of the **Web content technologies relied upon**.

Note: If a conformance logo is used, it would constitute a claim and must be accompanied by the required components of a conformance claim listed above.

Optional Components of a Conformance Claim

In addition to the required components of a conformance claim above, consider providing additional information to assist users. Recommended additional information includes:

- A list of success criteria beyond the level of conformance claimed that have been met. This information should be provided in a form that users can use, preferably machine-readable metadata.
- A list of the specific technologies that are "*used but not relied upon*."
- A list of user agents, including assistive technologies that were used to test the content.
- Information about any additional steps taken that go beyond the success criteria to enhance accessibility.
- A machine-readable metadata version of the list of specific technologies that are relied upon.
- A machine-readable metadata version of the conformance claim.

Note 1: Refer to [Understanding Conformance Claims](#) for more information and example conformance claims.

Note 2: Refer to [Understanding Metadata](#) for more information about the use of metadata in conformance claims.

Statement of Partial Conformance - Third Party Content

Sometimes, Web pages are created that will later have additional content added to them. For example, an email program, a blog, an article that allows users to add comments, or applications supporting user-contributed content. Another example would be a page, such as a portal or news site, composed of content aggregated from multiple contributors, or sites that automatically insert content from other sources over time, such as when advertisements are inserted dynamically.

In these cases, it is not possible to know at the time of original posting what the uncontrolled content of the pages will be. It is important to note that the uncontrolled content can affect the accessibility of the controlled content as well. Two options are available:

1. A determination of conformance can be made based on best knowledge. If a page of this type is monitored and repaired (non-conforming content is removed or brought into conformance) within two business days, then a determination or claim of conformance can be made since, except for errors in externally contributed content which are corrected or removed when encountered, the page conforms. No conformance claim can be made if it is not possible to monitor or correct non-conforming content;
OR
2. A "statement of partial conformance" may be made that the page does not conform, but could conform if certain parts were removed. The form of that statement would be, "This page does not conform, but would conform to WCAG 2.0 at level X if the following parts from uncontrolled sources were removed." In addition, the following would also be true of uncontrolled content that is described in the statement of partial conformance:
 - a. It is not content that is under the author's control.
 - b. It is described in a way that users can identify (e.g., they cannot be described as "all parts that we do not control" unless they are clearly marked as such.)

Statement of Partial Conformance - Language

A "statement of partial conformance due to language" may be made when the page does not conform, but would conform if accessibility support existed for (all of) the language(s) used on the page. The form of that statement would be, "This page does not conform, but would conform to WCAG 2.0 at level X if accessibility support existed for the following language(s):"

Appendix A: Glossary

This section is normative.

abbreviation

shortened form of a word, phrase, or name where the abbreviation has not become part of the language

Note 1: This includes initialisms and acronyms where:

1. **initialisms** are shortened forms of a name or phrase made from the initial letters of words or syllables contained in that name or phrase

Example 1: SNCF is a French initialism that contains the initial letters of the Société Nationale des Chemins de Fer, the French national railroad.

Example 2: ESP is an initialism for extrasensory perception.

2. **acronyms** are abbreviated forms made from the initial letters or parts of other words (in a name or phrase) which may be pronounced as a word

Example: NOAA is an acronym made from the initial letters of the National Oceanic and Atmospheric Administration in the United States.

Note 2: Some companies have adopted what used to be an initialism as their company name. In these cases, the new name of the company is the letters (for example, Ecma) and the word is no longer considered an abbreviation.

accessibility supported

supported by users' assistive technologies as well as the accessibility features in browsers and other user agents. To qualify as an accessibility-supported use of a Web content technology (or feature of a technology), both 1 and 2 must be satisfied for a Web content technology (or feature):

1. **The way that the Web content technology is used must be supported by users' assistive technology (AT).** This means that the way that the technology is used has been tested for interoperability with users' assistive technology in the human language(s) of the content,

AND

2. **The Web content technology must have accessibility-supported user agents that are available to users.**

This means that at least one of the following four statements is true:

- a. The technology is supported natively in widely-distributed user agents that are also accessibility supported (such as HTML and CSS);

OR

- b. The technology is supported in a widely-distributed plug-in that is also accessibility supported;

OR

- c. The content is available in a closed environment, such as a university or corporate network, where the user agent required by the technology and used by the organization is also accessibility supported;

OR

- d. The user agent(s) that support the technology are accessibility supported and are available for download or purchase in a way that:

- does not cost a person with a disability any more than a person without a disability **and**
- is as easy to find and obtain for a person with a disability as it is for a person without disabilities.

Note 1: The WCAG Working group and the W3C do not specify which or how much support by assistive technologies there must be for a particular use of a Web technology in order for it to be classified as accessibility supported. (See [Level of Assistive Technology Support Needed for "Accessibility Support"](#).)

Note 2: Web technologies can be used in ways that are not accessibility supported as long as they are not relied upon and the page as a whole meets the conformance requirements, including [Conformance Requirement 4: Only Accessibility-Supported Ways of Using Technologies](#) and [Conformance Requirement 5: Non-Interference](#), are met.

Note 3: When a Web Technology is used in a way that is "accessibility supported," it does not imply that the entire technology or all uses of the technology are supported. Most technologies, including HTML, lack support for at least one feature or use. Pages conform to WCAG only if the uses of the technology that are accessibility supported can be relied upon to meet WCAG requirements.

Note 4: When citing Web content technologies that have multiple versions, the version(s) supported should be specified.

Note 5: One way for authors to locate uses of a technology that are accessibility supported would be to consult compilations of uses that are documented to be accessibility supported. (See [Understanding Accessibility-Supported Web Technology Uses](#).) Authors, companies, technology vendors, or others may document accessibility-supported ways of using Web content technologies. However, all ways of using technologies in the documentation would need to meet the definition of accessibility-supported Web content technologies above.

alternative for time-based media

document including correctly sequenced text descriptions of time-based visual and auditory information and providing a means for achieving the outcomes of any time-based interaction

Note: A screenplay used to create the synchronized media content would meet this definition only if it was corrected

ambiguous to users in general

the purpose cannot be determined from the link and all information of the Web page presented to the user simultaneously with the link (i.e., readers without disabilities would not know what a link would do until they activated it)

Example: The word guava in the following sentence "One of the notable exports is guava" is a link. The link could lead to a definition of guava, a chart listing the quantity of guava exported or a photograph of people harvesting guava. Until the link is activated, all readers are unsure and the person with a disability is not at any disadvantage.

ASCII art

picture created by a spatial arrangement of characters or glyphs (typically from the 95 printable characters defined by ASCII).

assistive technology (as used in this document)

hardware and/or software that acts as a user agent, or along with a mainstream user agent, to provide functionality to meet the requirements of users with disabilities that go beyond those offered by mainstream user agents

Note 1: functionality provided by assistive technology includes alternative presentations (e.g., as synthesized speech or magnified content), alternative input methods (e.g., voice), additional navigation or orientation mechanisms, and content transformations (e.g., to make tables more accessible).

Note 2: Assistive technologies often communicate data and messages with mainstream user agents by using and monitoring APIs.

Note 3: The distinction between mainstream user agents and assistive technologies is not absolute. Many mainstream user agents provide some features to assist individuals with disabilities. The basic difference is that mainstream user agents target broad and diverse audiences that usually include people with and without disabilities. Assistive technologies target narrowly defined populations of users with specific disabilities. The assistance provided by an assistive technology is more specific and appropriate to the needs of its target users. The mainstream user agent may provide important functionality to assistive technologies like retrieving Web content from program objects or parsing markup into identifiable bundles.

Example: Assistive technologies that are important in the context of this document include the following:

- screen magnifiers, and other visual reading assistants, which are used by people with visual, perceptual and physical print disabilities to change text font, size, spacing, color, synchronization with speech, etc. in order to improve the visual readability of rendered text and images;
- screen readers, which are used by people who are blind to read textual information through synthesized speech or braille;
- text-to-speech software, which is used by some people with cognitive, language, and learning disabilities to convert text into synthetic speech;
- speech recognition software, which may be used by people who have some physical disabilities;
- alternative keyboards, which are used by people with certain physical disabilities to simulate the keyboard (including alternate keyboards that use head pointers, single switches, sip/puff and other special input devices.);
- alternative pointing devices, which are used by people with certain physical disabilities to simulate mouse pointing and button activations.

audio

the technology of sound reproduction

Note: Audio can be created synthetically (including speech synthesis), recorded from real world sounds, or both.

audio description

narration added to the soundtrack to describe important visual details that cannot be understood from the main soundtrack alone

Note 1: Audio description of video provides information about actions, characters, scene changes, on-screen text, and other visual content.

Note 2: In standard audio description, narration is added during existing pauses in dialogue. (See also extended audio description.)

Note 3: Where all of the video information is already provided in existing audio, no additional audio description is necessary.

audio-only

a time-based presentation that contains only audio (no video and no interaction)

blinking

switch back and forth between two visual states in a way that is meant to draw attention

Note: See also flash. It is possible for something to be large enough and blink brightly enough at the right frequency to be also classified as a flash.

blocks of text

more than one sentence of text

CAPTCHA

initialism for "Completely Automated Public Turing test to tell Computers and Humans Apart"

Note 1: CAPTCHA tests often involve asking the user to type in text that is displayed in an obscured image or audio file.

Note 2: A Turing test is any system of tests designed to differentiate a human from a computer. It is named after famed computer scientist Alan Turing. The term was coined by researchers at Carnegie Mellon University.

[\[CAPTCHA\]](#)

captions

synchronized visual and/or text alternative for both speech and non-speech audio information needed to understand the media content

Note 1: Captions are similar to dialogue-only subtitles except captions convey not only the content of spoken dialogue, but also equivalents for non-dialogue audio information needed to understand the program content, including sound effects, music, laughter, speaker identification and location.

Note 2: Closed Captions are equivalents that can be turned on and off with some players.

Note 3: Open Captions are any captions that cannot be turned off. For example, if the captions are visual equivalent images of text embedded in video.

Note 4: Captions should not obscure or obstruct relevant information in the video.

Note 5: In some countries, captions are called subtitles.

Note 6: Audio descriptions can be, but do not need to be, captioned since they are descriptions of information that is already presented visually.

changes of context

major changes in the content of the Web page that, if made without user awareness, can disorient users who are not able to view the entire page simultaneously

Changes in context include changes of:

1. user agent;
2. viewport;
3. focus;
4. content that changes the meaning of the Web page.

Note: A change of content is not always a change of context. Changes in content, such as an expanding outline, dynamic menu, or a tab control do not necessarily change the context, unless they also change one of the above (e.g., focus).

Example: Opening a new window, moving focus to a different component, going to a new page (including anything that would look to a user as if they had moved to a new page) or significantly re-arranging the content of a page are examples of changes of context.

conformance

satisfying all the requirements of a given standard, guideline or specification

conforming alternate version

version that

1. conforms at the designated level, and
2. provides all of the same information and functionality in the same human language, and
3. is as up to date as the non-conforming content, and

4. for which at least one of the following is true:

- a. the conforming version can be reached from the non-conforming page via an accessibility-supported mechanism, or
- b. the non-conforming version can only be reached from the conforming version, or
- c. the non-conforming version can only be reached from a conforming page that also provides a mechanism to reach the conforming version

Note 1: In this definition, "can only be reached" means that there is some mechanism, such as a conditional redirect, that prevents a user from "reaching" (loading) the non-conforming page unless the user had just come from the conforming version.

Note 2: The alternate version does not need to be matched page for page with the original (e.g., the conforming alternate version may consist of multiple pages).

Note 3: If multiple language versions are available, then conforming alternate versions are required for each language offered.

Note 4: Alternate versions may be provided to accommodate different technology environments or user groups. Each version should be as conformant as possible. One version would need to be fully conformant in order to meet conformance requirement 1.

Note 5: The conforming alternative version does not need to reside within the scope of conformance, or even on the same Web site, as long as it is as freely available as the non-conforming version.

Note 6: Alternate versions should not be confused with supplementary content, which support the original page and enhance comprehension.

Note 7: Setting user preferences within the content to produce a conforming version is an acceptable mechanism for reaching another version as long as the method used to set the preferences is accessibility supported.

See Understanding Conforming Alternate Versions

content (Web content)

information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions

context-sensitive help

help text that provides information related to the function currently being performed

Note: Clear labels can act as context-sensitive help.

contrast ratio

$(L1 + 0.05) / (L2 + 0.05)$, where

- L1 is the relative luminance of the lighter of the colors, and
- L2 is the relative luminance of the darker of the colors.

Note 1: Contrast ratios can range from 1 to 21 (commonly written 1:1 to 21:1).

Note 2: Because authors do not have control over user settings as to how text is rendered (for example font smoothing or anti-aliasing), the contrast ratio for text can be evaluated with anti-aliasing turned off.

Note 3: For the purpose of Success Criteria 1.4.3 and 1.4.6, contrast is measured with respect to the specified background over which the text is rendered in normal usage. If no background color is specified, then white is assumed.

Note 4: Background color is the specified color of content over which the text is to be rendered in normal usage. It is a failure if no background color is specified when the text color is specified, because the user's default background color is unknown and cannot be evaluated for sufficient contrast. For the same reason, it is a failure if no text color is specified when a background color is specified.

Note 5: When there is a border around the letter, the border can add contrast and would be used in calculating the contrast between the letter and its background. A narrow border around the letter would be used as the letter. A wide border around the letter that fills in the inner details of the letters acts as a halo and would be considered background.

Note 6: WCAG conformance should be evaluated for color pairs specified in the content that an author would expect to appear adjacent in typical presentation. Authors need not consider unusual presentations, such as color changes made by the user agent, except where caused by authors' code.

correct reading sequence

any sequence where words and paragraphs are presented in an order that does not change the meaning of the

emergency

a sudden, unexpected situation or occurrence that requires immediate action to preserve health, safety, or property

essential

if removed, would fundamentally change the information or functionality of the content, **and** information and functionality cannot be achieved in another way that would conform

extended audio description

audio description that is added to an audiovisual presentation by pausing the video so that there is time to add additional description

Note: This technique is only used when the sense of the video would be lost without the additional audio description and the pauses between dialogue/narration are too short.

flash

a pair of opposing changes in relative luminance that can cause seizures in some people if it is large enough and in the right frequency range

Note 1: See general flash and red flash thresholds for information about types of flash that are not allowed.

Note 2: See also blinking.

functionality

processes and outcomes achievable through user action

general flash and red flash thresholds

a flash or rapidly changing image sequence is below the threshold (i.e., content **passes**) if any of the following are true:

1. there are no more than three **general flashes** and / or no more than three **red flashes** within any one-second period; or
2. the combined area of flashes occurring concurrently occupies no more than a total of .006 steradians within any 10 degree visual field on the screen (25% of any 10 degree visual field on the screen) at typical viewing distance

where:

- A **general flash** is defined as a pair of opposing changes in relative luminance of 10% or more of the maximum relative luminance where the relative luminance of the darker image is below 0.80; and where "a pair of opposing changes" is an increase followed by a decrease, or a decrease followed by an increase, and
- A **red flash** is defined as any pair of opposing transitions involving a saturated red.

Exception: Flashing that is a fine, balanced, pattern such as white noise or an alternating checkerboard pattern with "squares" smaller than 0.1 degree (of visual field at typical viewing distance) on a side does not violate the thresholds.

Note 1: For general software or Web content, using a 341 x 256 pixel rectangle anywhere on the displayed screen area when the content is viewed at 1024 x 768 pixels will provide a good estimate of a 10 degree visual field for standard screen sizes and viewing distances (e.g., 15-17 inch screen at 22-26 inches). (Higher resolutions displays showing the same rendering of the content yield smaller and safer images so it is lower resolutions that are used to define the thresholds.)

Note 2: A transition is the change in relative luminance (or relative luminance/color for red flashing) between adjacent peaks and valleys in a plot of relative luminance (or relative luminance/color for red flashing) measurement against time. A flash consists of two opposing transitions.

Note 3: The current working definition in the field for "**pair of opposing transitions involving a saturated red**" is where, for either or both states involved in each transition, $R/(R + G + B) \geq 0.8$, and the change in the value of $(R-G-B) \times 320$ is > 20 (negative values of $(R-G-B) \times 320$ are set to zero) for both transitions. R, G, B values range from 0-1 as specified in "relative luminance" definition. [[HARDING-BINNIE](#)]

Note 4: Tools are available that will carry out analysis from video screen capture. However, no tool is necessary to evaluate for this condition if flashing is less than or equal to 3 flashes in any one second. Content automatically passes (see #1 and #2 above).

human language

language that is spoken, written or signed (through visual or tactile means) to communicate with humans

Note: See also sign language.

idiom

phrase whose meaning cannot be deduced from the meaning of the individual words and the specific words cannot be changed without losing the meaning

Note: idioms cannot be translated directly, word for word, without losing their (cultural or language-dependent) meaning.

Example 1: In English, "spilling the beans" means "revealing a secret." However, "knocking over the beans" or "spilling the vegetables" does not mean the same thing.

Example 2: In Japanese, the phrase "さじを投げる" literally translates into "he throws a spoon," but it means that there is nothing he can do and finally he gives up.

Example 3: In Dutch, "Hij ging met de kippen op stok" literally translates into "He went to roost with the chickens," but it means that he went to bed early.

image of text

text that has been rendered in a non-text form (e.g., an image) in order to achieve a particular visual effect

Note: This does not include text that is part of a picture that contains significant other visual content.

Example: A person's name on a nametag in a photograph.

informative

for information purposes and not required for conformance

Note: Content required for conformance is referred to as "normative."

input error

information provided by the user that is not accepted

Note: This includes:

1. Information that is required by the Web page but omitted by the user
2. Information that is provided by the user but that falls outside the required data format or values

jargon

words used in a particular way by people in a particular field

Example: The word StickyKeys is jargon from the field of assistive technology/accessibility.

keyboard interface

interface used by software to obtain keystroke input

Note 1: A keyboard interface allows users to provide keystroke input to programs even if the native technology does not contain a keyboard.

Example: A touchscreen PDA has a keyboard interface built into its operating system as well as a connector for external keyboards. Applications on the PDA can use the interface to obtain keyboard input either from an external keyboard or from other applications that provide simulated keyboard output, such as handwriting interpreters or speech-to-text applications with "keyboard emulation" functionality.

Note 2: Operation of the application (or parts of the application) through a keyboard-operated mouse emulator, such as MouseKeys, does not qualify as operation through a keyboard interface because operation of the program is through its pointing device interface, not through its keyboard interface.

label

text or other component with a text alternative that is presented to a user to identify a component within Web content

Note 1: A label is presented to all users whereas the name may be hidden and only exposed by assistive technology. In many (but not all) cases the name and the label are the same.

Note 2: The term label is not limited to the label element in HTML.

large scale (text)

with at least 18 point or 14 point bold or font size that would yield equivalent size for Chinese, Japanese and Korean (CJK) fonts

Note 1: Fonts with extraordinarily thin strokes or unusual features and characteristics that reduce the familiarity of their letter forms are harder to read, especially at lower contrast levels.

Note 2: Font size is the size when the content is delivered. It does not include resizing that may be done by a user.

Note 3: The actual size of the character that a user sees is dependent both on the author-defined size and the user's display or user-agent settings. For many mainstream body text fonts, 14 and 18 point is roughly equivalent to 1.2 and

1.5 em or to 120% or 150% of the default size for body text (assuming that the body font is 100%), but authors would need to check this for the particular fonts in use. When fonts are defined in relative units, the actual point size is calculated by the user agent for display. The point size should be obtained from the user agent, or calculated based on font metrics as the user agent does, when evaluating this success criterion. Users who have low vision would be responsible for choosing appropriate settings.

Note 4: When using text without specifying the font size, the smallest font size used on major browsers for unspecified text would be a reasonable size to assume for the font. If a level 1 heading is rendered in 14pt bold or higher on major browsers, then it would be reasonable to assume it is large text. Relative scaling can be calculated from the default sizes in a similar fashion.

Note 5: The 18 and 14 point sizes for roman texts are taken from the minimum size for large print (14pt) and the larger standard font size (18pt). For other fonts such as CJK languages, the "equivalent" sizes would be the minimum large print size used for those languages and the next larger standard large print size.

legal commitments

transactions where the person incurs a legally binding obligation or benefit

Example: A marriage license, a stock trade (financial and legal), a will, a loan, adoption, signing up for the army, a contract of any type, etc.

link purpose

nature of the result obtained by activating a hyperlink

live

information captured from a real-world event and transmitted to the receiver with no more than a broadcast delay

Note 1: A broadcast delay is a short (usually automated) delay, for example used in order to give the broadcaster time to queue or censor the audio (or video) feed, but not sufficient to allow significant editing.

Note 2: If information is completely computer generated, it is not live.

lower secondary education level

the two or three year period of education that begins after completion of six years of school and ends nine years after the beginning of primary education

Note: This definition is based on the International Standard Classification of Education [\[UNESCO\]](#).

mechanism

process or technique for achieving a result

Note 1: The mechanism may be explicitly provided in the content, or may be relied upon to be provided by either the platform or by user agents, including assistive technologies.

Note 2: The mechanism needs to meet all success criteria for the conformance level claimed.

media alternative for text

media that presents no more information than is already presented in text (directly or via text alternatives)

Note: A media alternative for text is provided for those who benefit from alternate representations of text. Media alternatives for text may be audio-only, video-only (including sign-language video), or audio-video.

name

text by which software can identify a component within Web content to the user

Note 1: The name may be hidden and only exposed by assistive technology, whereas a label is presented to all users. In many (but not all) cases, the label and the name are the same.

Note 2: This is unrelated to the name attribute in HTML.

navigated sequentially

navigated in the order defined for advancing focus (from one element to the next) using a keyboard interface

non-text content

any content that is not a sequence of characters that can be programmatically determined or where the sequence is not expressing something in human language

Note: This includes ASCII Art (which is a pattern of characters), emoticons, leetspeak (which uses character substitution), and images representing text

normative

required for conformance

Note 1: One may conform in a variety of well-defined ways to this document.

Note 2: Content identified as "informative" or "non-normative" is never required for conformance.

on a full-screen window

on the most common sized desktop/laptop display with the viewport maximized

Note: Since people generally keep their computers for several years, it is best not to rely on the latest desktop/laptop display resolutions but to consider the common desktop/laptop display resolutions over the course of several years when making this evaluation.

paused

stopped by user request and not resumed until requested by user

prerecorded

information that is not live

presentation

rendering of the content in a form to be perceived by users

primary education level

six year time period that begins between the ages of five and seven, possibly without any previous education

Note: This definition is based on the International Standard Classification of Education [\[UNESCO\]](#).

process

series of user actions where each action is required in order to complete an activity

Example 1: Successful use of a series of Web pages on a shopping site requires users to view alternative products, prices and offers, select products, submit an order, provide shipping information and provide payment information.

Example 2: An account registration page requires successful completion of a Turing test before the registration form can be accessed.

programmatically determined (programmatically determinable)

determined by software from author-supplied data provided in a way that different user agents, including assistive technologies, can extract and present this information to users in different modalities

Example 1: Determined in a markup language from elements and attributes that are accessed directly by commonly available assistive technology.

Example 2: Determined from technology-specific data structures in a non-markup language and exposed to assistive technology via an accessibility API that is supported by commonly available assistive technology.

programmatically determined link context

additional information that can be programmatically determined from relationships with a link, combined with the link text, and presented to users in different modalities

Example: In HTML, information that is programmatically determinable from a link in English includes text that is in the same paragraph, list, or table cell as the link or in a table header cell that is associated with the table cell that contains the link.

Note: Since screen readers interpret punctuation, they can also provide the context from the current sentence, when the focus is on a link in that sentence.

programmatically set

set by software using methods that are supported by user agents, including assistive technologies

pure decoration

serving only an aesthetic purpose, providing no information, and having no functionality

Note: Text is only purely decorative if the words can be rearranged or substituted without changing their purpose.

Example: The cover page of a dictionary has random words in very light text in the background.

real-time event

event that a) occurs at the same time as the viewing and b) is not completely generated by the content

Example 1: A Webcast of a live performance (occurs at the same time as the viewing and is not prerecorded).

Example 2: An on-line auction with people bidding (occurs at the same time as the viewing).

Example 3: Live humans interacting in a virtual world using avatars (is not completely generated by the content and occurs at the same time as the viewing).

relationships

meaningful associations between distinct pieces of content

relative luminance

the relative brightness of any point in a colorspace, normalized to 0 for darkest black and 1 for lightest white

Note 1: For the sRGB colorspace, the relative luminance of a color is defined as $L = 0.2126 * R + 0.7152 * G + 0.0722 * B$ where **R**, **G** and **B** are defined as:

- if $R_{sRGB} \leq 0.03928$ then $R = R_{sRGB}/12.92$ else $R = ((R_{sRGB}+0.055)/1.055)^{2.4}$
- if $G_{sRGB} \leq 0.03928$ then $G = G_{sRGB}/12.92$ else $G = ((G_{sRGB}+0.055)/1.055)^{2.4}$
- if $B_{sRGB} \leq 0.03928$ then $B = B_{sRGB}/12.92$ else $B = ((B_{sRGB}+0.055)/1.055)^{2.4}$

and R_{sRGB} , G_{sRGB} , and B_{sRGB} are defined as:

- $R_{sRGB} = R_{8bit}/255$
- $G_{sRGB} = G_{8bit}/255$
- $B_{sRGB} = B_{8bit}/255$

The "^" character is the exponentiation operator. (Formula taken from [\[sRGB\]](#) and [\[IEC-4WD\]](#)).

Note 2: Almost all systems used today to view Web content assume sRGB encoding. Unless it is known that another color space will be used to process and display the content, authors should evaluate using sRGB colorspace. If using other color spaces, see [Understanding Success Criterion 1.4.3](#).

Note 3: If dithering occurs after delivery, then the source color value is used. For colors that are dithered at the source, the average values of the colors that are dithered should be used (average R, average G, and average B).

Note 4: Tools are available that automatically do the calculations when testing contrast and flash.

Note 5: A [MathML version of the relative luminance definition](#) is available.

relied upon (technologies that are)

the content would not conform if that technology is turned off or is not supported

role

text or number by which software can identify the function of a component within Web content

Example: A number that indicates whether an image functions as a hyperlink, command button, or check box.

same functionality

same result when used

Example: A submit "search" button on one Web page and a "find" button on another Web page may both have a field to enter a term and list topics in the Web site related to the term submitted. In this case, they would have the same functionality but would not be labeled consistently.

same relative order

same position relative to other items

Note: Items are considered to be in the same relative order even if other items are inserted or removed from the original order. For example, expanding navigation menus may insert an additional level of detail or a secondary navigation section may be inserted into the reading order.

satisfies a success criterion

the success criterion does not evaluate to 'false' when applied to the page

section

A self-contained portion of written content that deals with one or more related topics or thoughts

Note: A section may consist of one or more paragraphs and include graphics, tables, lists and sub-sections.

set of Web pages

collection of [Web pages](#) that share a common purpose and that are created by the same author, group or organization

Note: Different language versions would be considered different sets of Web pages.

sign language

a language using combinations of movements of the hands and arms, facial expressions, or body positions to convey meaning

sign language interpretation

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translation of one language, generally a spoken language, into a sign language

Note: True sign languages are independent languages that are unrelated to the spoken language(s) of the same country or region.

specific sensory experience

a sensory experience that is not purely decorative and does not primarily convey important information or perform a function

Example: Examples include a performance of a flute solo, works of visual art etc.

structure

1. The way the parts of a Web page are organized in relation to each other; and
2. The way a collection of Web pages is organized

supplemental content

additional content that illustrates or clarifies the primary content

Example 1: An audio version of a Web page.

Example 2: An illustration of a complex process.

Example 3: A paragraph summarizing the major outcomes and recommendations made in a research study.

synchronized media

audio or video synchronized with another format for presenting information and/or with time-based interactive components, unless the media is a media alternative for text that is clearly labeled as such

technology (Web content)

mechanism for encoding instructions to be rendered, played or executed by user agents

Note 1: As used in these guidelines "Web Technology" and the word "technology" (when used alone) both refer to Web Content Technologies.

Note 2: Web content technologies may include markup languages, data formats, or programming languages that authors may use alone or in combination to create end-user experiences that range from static Web pages to synchronized media presentations to dynamic Web applications.

Example: Some common examples of Web content technologies include HTML, CSS, SVG, PNG, PDF, Flash, and JavaScript.

text

sequence of characters that can be programmatically determined, where the sequence is expressing something in human language

text alternative

Text that is programmatically associated with non-text content or referred to from text that is programmatically associated with non-text content. Programmatically associated text is text whose location can be programmatically determined from the non-text content.

Example: An image of a chart is described in text in the paragraph after the chart. The short text alternative for the chart indicates that a description follows.

Note: Refer to [Understanding Text Alternatives](#) for more information.

used in an unusual or restricted way

words used in such a way that requires users to know exactly which definition to apply in order to understand the content correctly

Example: The term "gig" means something different if it occurs in a discussion of music concerts than it does in article about computer hard drive space, but the appropriate definition can be determined from context. By contrast, the word "text" is used in a very specific way in WCAG 2.0, so a definition is supplied in the glossary.

user agent

any software that retrieves and presents Web content for users

Example: Web browsers, media players, plug-ins, and other programs — including assistive technologies — that help in retrieving, rendering, and interacting with Web content.

user-controllable

data that is intended to be accessed by users

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Note: This does not refer to such things as Internet logs and search engine monitoring data.

Example: Name and address fields for a user's account.

user interface component

a part of the content that is perceived by users as a single control for a distinct function

Note 1: Multiple user interface components may be implemented as a single programmatic element. Components here is not tied to programming techniques, but rather to what the user perceives as separate controls.

Note 2: User interface components include form elements and links as well as components generated by scripts.

Example: An applet has a "control" that can be used to move through content by line or page or random access. Since each of these would need to have a name and be settable independently, they would each be a "user interface component."

video

the technology of moving or sequenced pictures or images

Note: Video can be made up of animated or photographic images, or both.

video-only

a time-based presentation that contains only video (no audio and no interaction)

viewport

object in which the user agent presents content

Note 1: The user agent presents content through one or more viewports. Viewports include windows, frames, loudspeakers, and virtual magnifying glasses. A viewport may contain another viewport (e.g., nested frames). Interface components created by the user agent such as prompts, menus, and alerts are not viewports.

Note 2: This definition is based on [User Agent Accessibility Guidelines 1.0 Glossary](#).

visually customized

the font, size, color, and background can be set

Web page

a non-embedded resource obtained from a single URI using HTTP plus any other resources that are used in the rendering or intended to be rendered together with it by a user agent

Note 1: Although any "other resources" would be rendered together with the primary resource, they would not necessarily be rendered simultaneously with each other.

Note 2: For the purposes of conformance with these guidelines, a resource must be "non-embedded" within the scope of conformance to be considered a Web page.

Example 1: A Web resource including all embedded images and media.

Example 2: A Web mail program built using Asynchronous JavaScript and XML (AJAX). The program lives entirely at <http://example.com/mail>, but includes an inbox, a contacts area and a calendar. Links or buttons are provided that cause the inbox, contacts, or calendar to display, but do not change the URI of the page as a whole.

Example 3: A customizable portal site, where users can choose content to display from a set of different content modules.

Example 4: When you enter "<http://shopping.example.com/>" in your browser, you enter a movie-like interactive shopping environment where you visually move around in a store dragging products off of the shelves around you and into a visual shopping cart in front of you. Clicking on a product causes it to be demonstrated with a specification sheet floating alongside. This might be a single-page Web site or just one page within a Web site.

Appendix B: Acknowledgments

This section is informative.

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Additional information about participation in the Web Content Accessibility Guidelines Working Group (WCAG WG) can be found on the [Working Group home page](#).

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- Frederick Boland (NIST)
- Ben Caldwell (Trace R&D Center, University of Wisconsin)
- Sofia Celic (W3C Invited Expert)
- Michael Cooper (W3C)
- Roberto Ellero (International Webmasters Association / HTML Writers Guild)
- Bengt Farre (Rigab)
- Loretta Guarino Reid (Google)
- Katie Haritos-Shea
- Andrew Kirkpatrick (Adobe)
- Drew LaHart (IBM)
- Alex Li (SAP AG)
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Appendix C: References

This section is informative.

CAPTCHA

The CAPTCHA Project, Carnegie Mellon University. The project is online at <http://www.captcha.net>.

HARDING-BINNIE

Harding G. F. A. and Binnie, C.D., Independent Analysis of the ITC Photosensitive Epilepsy Calibration Test Tape. 2002.

IEC-4WD

IEC/4WD 61966-2-1: Colour Measurement and Management in Multimedia Systems and Equipment - Part 2.1: Default Colour Space - sRGB. May 5, 1998.

sRGB

"A Standard Default Color Space for the Internet - sRGB," M. Stokes, M. Anderson, S. Chandrasekar, R. Motta, eds., Version 1.10, November 5, 1996. A copy of this paper is available at <http://www.w3.org/Graphics/Color/sRGB.html>.

UNESCO

International Standard Classification of Education, 1997. A copy of the standard is available at http://www.unesco.org/education/information/nfsunesco/doc/isced_1997.htm.

WCAG10

Web Content Accessibility Guidelines 1.0, G. Vanderheiden, W. Chisholm, I. Jacobs, Editors, W3C Recommendation, 5 May 1999, <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505/>. The latest version of WCAG 1.0 is available at <http://www.w3.org/TR/WAI-WEBCONTENT/>.

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Exhibit D

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR CONDITIONING
ENGINEERS,

Plaintiffs/
Counter-Defendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/
Counter-Plaintiff.

Case No. 1:13-cv-01215-TSC

**PLAINTIFF'S STATEMENT OF DISPUTED FACTS AND OBJECTIONS TO CERTAIN
EVIDENCE IN OPPOSITION TO PRO'S SECOND SUPPLEMENTAL STATEMENT
OF MATERIAL FACTS**

[REDACTED]

Pursuant to Local Civil Rule 7(h), Plaintiffs submit the following Statement of Disputed Facts in opposition to PRO's Second Motion for Summary Judgment and in support of Plaintiffs' Motion for Summary Judgment and Permanent Injunction. Instead of filing separate documents objecting to evidence PRO attempted to introduce through its Second Supplemental Statement of Facts, Plaintiffs have objected to the proposed evidence in this consolidated document.¹

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
I. INCORPORATION BY REFERENCE	
A. The Nature of Incorporation by Reference	
1. Incorporation by reference is an alternative to direct inclusion of language into a government's published laws or regulations. <i>See</i> 5 U.S.C. §552(a)(1); 1 C.F.R. §§ 51.1-51.11.	This is a legal conclusion, not a fact. Moreover, in many circumstances, "direct inclusion of language" from a privately authored standard is prohibited by the Copyright Act, 17 U.S.C. § 106, requires a license, and/or requires payment of reasonable and entire compensation for such use, 28 U.S.C. § 1498.
2. The Office of the Federal Register has explained that material incorporated by reference is "like any other properly issued rule, has the force and effect of law." Dkt. 122-9 at 86.	Objection. This statement is inadmissible hearsay to the extent it is offered to prove the truth of the matter asserted. The statements as to the legal effect of incorporation by reference are legal conclusions, not facts.
3. The federal government initiated the practice of incorporating some materials by reference instead of reproducing them to limit the bulk of the Code of Federal Regulations ("CFR"). Dkt. 122-9 at 86.	Objection. This statement is inadmissible hearsay to the extent it is offered to prove the truth of the matter asserted. It is otherwise irrelevant.

¹ Likewise, Plaintiffs have not submitted separate evidentiary objections to the declarations that PRO submitted, but does not rely on in its Second Supplemental Statement of Facts. That evidence is all irrelevant. Plaintiffs reserve their right to object to those declarations if/when PRO seeks to rely upon them, either at this summary judgment stage or at another point in the proceeding.

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	Disputed to the extent it suggests that the federal government's only or principal reason for endorsing incorporation by reference is to limit the bulk of the Code of Federal Regulations. As explained in Plaintiffs' briefing, that is inaccurate. Reply at Background Part A.
<p>4. States and municipalities also turn standards into law, through incorporation by reference and in other instances by reproducing an entire standard verbatim in the text of the law. <i>See, e.g.</i>, Minn. Admin. Rule 4761.2460, Subp. 2(C); California Code of Regulations, Title 24, Part 3.</p>	<p>Objection. This statement is irrelevant to the extent it relates to incorporation of standards that are not at issue in this case. Plaintiffs further object that the statement is a legal conclusion, not a fact.</p> <p>Disputed. PRO failed to cite any evidentiary support for this proposition. Disputed to the extent that "turn standards into law" implies that incorporation by reference of a standard makes the standard itself law.</p> <p>Disputed to the extent it implies that California Code of Regulations Title 24, Part 3 reproduces an entire standard verbatim in the text of a law. <i>E.g.</i>, Becker Decl. ¶ 3, Ex. 36 (Marvelli Depo.) at 43:4-9 (noting California amendments in Title 24, Part 3).</p>
<p>5. Governments may prosecute and punish persons for failing to obey standards that have become law. To take just two examples: The Supreme Court of Virginia treated violation of the National Electrical Code as equivalent to a violation of the Virginia Building Code, which incorporated the NEC by reference, and subject to criminal sanctions. <i>Virginia Elec. & Power Co. v. Savoy Const. Co.</i>, 294 S.E.2d 811, 816-17 (Va. 1982).</p>	<p>Objection. This is a legal conclusion, not a fact.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.</p> <p>Disputed to the extent PRO suggests that governments prosecute standards and punish persons for failing to obey standards. Additionally, the cited reference does not support the statement, as it involves a civil lawsuit initiated by a private party.</p>
<p>6. After the deadly "Ghost Ship" fire in Oakland, California, prosecutors charged</p>	<p>Objection. Relevance. The cited material does not indicate that any of the Plaintiffs</p>

DEFENDANT’S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS’ RESPONSE
<p>principal tenant and alleged manager of the building with manslaughter for violation of fire safety codes that are incorporated by reference. Supplemental Declaration of Matthew Becker in support of Public Resource’s Opposition to Plaintiffs’ Second Motion for Summary Judgment and in Support of Public Resource’s Second Motion for Summary Judgment (“Becker Decl.”) ¶ 59, Ex. 93 (Declaration in Support of Probable Cause, <i>California v. Harris</i>, No. 17-CR-017349A (Cal. Super. Ct. June 5, 2017), available at https://www.scribd.com/document/350446988/Ghost-Ship-fire-criminal-charges; Becker Decl. ¶ 60, Ex. 94 (Criminal Complaint, <i>California v. Harris</i>, No. 17-CR-017349A (Cal. Super. Ct. June 5, 2017)), available at https://web.archive.org/web/20170729051241/https://cbssanfran.files.wordpress.com/2017/06/almena-and-harris-complaint.pdf).</p>	<p>developed any of the referenced “fire safety codes” or that any of those codes are at issue in this case. PRO’s characterization of the prosecution documents is a legal conclusion, not a fact. There is no evidence that these charges are related to any standard at issue in this case.</p> <p>It is undisputed that the Ghost Ship fire was a tragedy and resulted in prosecutions; however, these facts underscore the importance of Plaintiffs and their standards to the public interest in safety and, as a result, the risk posed by PRO’s conduct, which undermines Plaintiffs’ source of revenue. PRO’s statement that “prosecutors charged principal tenant and alleged manager of the building with manslaughter for violation of fire safety codes that are incorporated by reference” is also inaccurate and misleading. The cited criminal complaint does not link the manslaughter charges to violations of the safety codes. The declaration in support of probable cause outlines numerous allegations of dangerous conduct, including violations of incorporated safety codes, violations of municipal codes that do not incorporate safety codes, and conduct that an ordinarily careful person would not undertake.</p>
<p>7. ASTM has publicly stated that “[k]nowledge of ASTM standards is important for complying with U.S. regulations and procurement requirements” Dkt. 122-3 (Grove Ex. 1032 “ASTM Standards Regulations & Trade, Power Point”) at 21.</p>	<p>ASTM admits that an ASTM employee stated that “[k]nowledge of ASTM standards is important for complying with U.S. regulations and procurement requirements.”</p>
<p>8. NFPA acknowledges that failure to comply with the standards incorporated by law may result in penalties. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 37:1–19.</p>	<p>Objection. The witness was testifying regarding his time as a government employee, not making a statement on behalf</p>

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	<p>of NFPA. Becker Decl. ¶ 13, Ex. 46 (Bliss Depo.) at 33:8-12.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law. PRO further mischaracterizes the evidence. The cited reference states that when the witness was acting as a government employee, he would sometimes provide a property owner with a written report identifying any ways in which the property owner was not in compliance with applicable codes. Becker Decl. ¶ 13, Ex. 46 (Bliss Depo.) at 37:1-19; <i>see also</i> Bliss Depo. at 34:3-8. The witness stated that this written report typically did not cite the specific provision with which the owner was not in compliance, but that a follow-up letter or document would. <i>Id.</i> at 37:7-19. The cited reference does not include any discussion of penalties—nor does it indicate that any such penalties could arise from violation of codes that incorporated privately developed standards, much less any standards at issue in this case.</p>
<p>9. The former head of Massey Energy was convicted of conspiring to violate safety standards. Dkt. 122-9, Ex. 156-157.</p>	<p>Objection. Relevance. The cited material does not indicate that any of the relevant safety standards were privately developed standards incorporated by reference or, to the extent that they were, that they were developed by any of the Plaintiffs or are at issue in this case. Plaintiffs object to this statement as hearsay to the extent PRO relies on them for the truth of the matter asserted.</p> <p>There is no evidence that this conviction related in any way to a standard at issue in this case.</p>
<p>B. The Process of Incorporation by Reference</p>	
<p>10. The process of incorporation by reference is careful and deliberate. At the</p>	<p>Objection. This is a legal conclusion, not a fact.</p>

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federal level, it starts when an agency responsible for regulating an industry publishes a notice in the Federal Register concerning the agency’s intent to incorporate a standard into law and asks the public to submit comments. 5 U.S.C. §553.	Disputed. This statement is entirely unsupported. Defendant has presented no evidence that the process of incorporation by reference is careful or deliberate, or how federal agencies initiate the process of incorporation by reference. The cited reference relates to agency rulemaking generally; it does not relate to how federal agencies incorporate material by reference.
11. A federal agency must publish proposed rule changes in the Federal Register, including changes to a standard incorporated by reference into the Code of Federal Regulations. 5 U.S.C. §553(b); 1 C.F.R. § 51.11(a) (2015).	Objection. This is a legal conclusion, not a fact.
12. A standard incorporated by reference into the Code of Federal Regulations must be a “proposed rule” or “final rule” of a federal agency. 1 C.F.R. §51.5(a)-(b) (2019). Before the federal government incorporates a standard by reference into law as a final rule, the Director of the Federal Register must approve the incorporation. 1 C.F.R. § 51.3 (2019).	Objection. This is a legal conclusion, not a fact. Disputed to the extent it suggests that the cited reference states that an incorporated standard is itself is a “proposed rule” or a “final rule.” Disputed that a “proposed rule” would constitute an incorporation by reference of a standard into the Code of Federal Regulations. Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.
13. Standards are incorporated by reference—as opposed to reprinting the entire text of the standards—to limit the length of the Code of Federal Regulations. Dkt. 122-9 at 86 (“Incorporation by Reference” webpage of the Office of the Federal Register, http://www.archives.gov/federal-register/cfr/ibr-locations.html).	Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted (i.e., the purported only reason why standards are incorporated by references as opposed to reprinting the entire text). It is otherwise irrelevant to the question of fair use. Disputed that the only or principal purpose of incorporating standards by reference is to limit the length of the Code of Federal Regulations; as explained in Plaintiffs’ briefing, that is inaccurate. Reply at Background Part A. Disputed that were it

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	not for concerns about length, the entire text of the standards would be reprinted. The copying of the entire text of standards by the federal government would subject the federal government to liability under 28 U.S.C. § 1498 and/or the takings clause of the Constitution. ECF No. 118-1 (Pls.' Mem.) at 27-28.
14. Standards are also incorporated by reference into state and local laws. <i>See, e.g.</i> , Md. Admin. Rule 09.12.26.06(E)(1)(c)(i); Minn. Admin. Rule 4761.2460, Subp. 2(C).	<p>Objection. Relevance. The cited administrative rules do not indicate that any of the Works at issue have been incorporated by reference into state or local law. This is a legal conclusion, not a fact.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law.</p>
15. State adoptions are equally rigorous. For example, the State of California incorporates model codes into Title 24 of the California Code of Regulations on a triennial cycle, with a 45-day public-comment period, a six-month publication requirement, and a three-month delay to allow local governments to implement them. The California Building Standards Law precisely defines this process. <i>See</i> Cal. Dep't of Gen. Servs., <i>2015 Triennial Code Adoption Cycle</i> (Dec. 2014), https://web.archive.org/web/20170207201000/https://www.documents.dgs.ca.gov/BSC/2015TriCycle/2015TricycleTimeline.pdf ; <i>18-Month Code Adoption Cycle</i> , Cal. Bldg. Standards Comm'n, https://www.dgs.ca.gov/BSC/Rulemaking (last visited Nov. 8, 2019).	<p>Objection. This statement is either a legal conclusion or an inadmissible opinion, not a statement of fact, and is entirely unsupported. Defendant has presented no evidence that the process of incorporation by reference by any state, let alone all states, is "equally rigorous" to that of the federal government. Even if it had, the statement would be meaningless as PRO has not presented any evidence regarding how "rigorous" the federal government's incorporation process is.</p> <p>To the extent PRO relies on the content of websites not attached to the brief, Plaintiffs object to PRO's summaries of documents that have not been included in the record. Plaintiffs further object to the information on the websites as hearsay to the extent PRO relies on them for the truth of the matter asserted. They are otherwise irrelevant.</p> <p>Objection. Relevance. California's incorporation practices are irrelevant and immaterial to the question of fair use and do</p>

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	<p>not dictate the extent to which, if at all, portions are necessary to comply with a legal duty. Neither the statement nor the cited material identifies a Work at issue allegedly incorporated by reference into California law.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law.</p>
<p>16. The Office of the Federal Register (OFR) states: “The legal effect of incorporation by reference is that the material is treated as if it were published in the Federal Register and CFR. This material, like any other properly issued rule, has the force and effect of law. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the Federal Register and CFR.” Dkt. 122-9 at 86.</p>	<p>Objection. This statement is inadmissible hearsay to the extent it is offered to prove the truth of the matter asserted. It is otherwise irrelevant to the question of fair use.</p> <p>The statements as to the legal effect of incorporation by reference are legal conclusions, not facts.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law.</p>
<p>17. In addition, when the Code of Federal Regulations incorporates a standard, the code itself informs readers that they may obtain a copy of the standards from the Office of the Federal Register (“OFR”) or from the SDO that published the standard, effectively promoting sales of the standard. Dkt. 122-9 at 86.</p>	<p>Objection. This statement is inadmissible hearsay to the extent it is offered to prove the truth of the matter asserted. It is otherwise irrelevant. The assertion that the C.F.R. is “effectively promoting sales of the standard” is PRO’s argument and not supported by the citation.</p> <p>The statements as to the legal effect of incorporation by reference are legal conclusions, not facts.</p> <p>This statement is entirely unsupported by the document cited. Defendant has presented no evidence that the cited statement “effectively promotes sales of the standards,” which does not appear in the cited document.</p>
<p>18. In order to enact rules, a federal agency must follow minimum procedures to guarantee</p>	<p>This is a legal conclusion, not a fact.</p>

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adequate public notice and opportunity to comment. 5 U.S.C. §553.	
19. A federal agency must publish proposed rule changes in the Federal Register, including changes to a standard incorporated by reference into the Code of Federal Regulations. 5 U.S.C. §553(b); 1 C.F.R. § 51.11(a) (2015).	This is a legal conclusion, not a fact.
20. Standards incorporated by reference into the Code of Federal Regulations are made available in the Washington D.C. reading room of the Office of the Federal Register, or for purchase from the Plaintiffs. The OFR directs people who want to read incorporated standards to “contact the standards organization that developed the material.” Alternatively, one may submit a written request to the OFR to inspect (and make limited photocopies of) an incorporated standard in Washington, D.C. Dkt. 122-9 at 86; Becker Decl. ¶ 58, Ex. 92 (printout of National Archives website on incorporation by reference).	<p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted.</p> <p>Disputed to the extent it implies that the standards incorporated by reference are only available at the reading room of the Office of the Federal Register or for purchase from Plaintiffs. All of the standards at issue for which PRO has accurately identified a regulation incorporating the standard by reference and many other standards are available for free in Plaintiffs’ reading rooms. ECF No. 118-2 (Pls.’ SMF) ¶¶ 61, 63, 100, 161; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85. In addition, the standards at issue and other standards are available for purchase at reasonable prices. ECF No. 118-2 (Pls.’ SMF) ¶¶ 58, 99, 158; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 77.</p>
21. The Office of the Federal Register is required to maintain a copy of each incorporated standard. It makes a copy of each standard available for public viewing, upon written request for an appointment, at its Washington, D.C. reading room. Dkt. 122-9 at 86.	<p>Objection. The cited OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted.</p> <p>Disputed to the extent it implies that the standards incorporated by reference are only available at the reading room of the Office of the Federal Register or for purchase from Plaintiffs. All of the standards at issue for which PRO has accurately identified a regulation incorporating the standard by reference and many other standards are available for free in Plaintiffs’ reading</p>

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	rooms. ECF No. 118-2 (Pls.' SMF) ¶¶ 61, 63, 100, 161; ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶ 85. In addition, the standards at issue and other standards are available for purchase at reasonable prices. ECF No. 118-2 (Pls.' SMF) ¶¶ 58, 99, 158; ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶ 77.
C. Objects of Incorporation	
<p>22. According to the Office of the Federal Register's Incorporation by Reference ("IBR") Handbook, any time a federal agency refers to material when it is developing regulations, it must consider two questions: First, "does it have a legal citation?" If yes, the agency must use the legal citation. If not, the agency then must consider the second question: "Is it required to understand or comply with the regulations? Do your regulations require that a party "resort to" material that is not published in the <i>Federal Register</i>?" If the material is necessary to understand or comply with the regulation, the agency must seek IBR approval from the Director of the Federal Register. Becker Decl., ¶ 25, Ex. 58 (IBR Handbook) at p. 2 (citing 5 U.S.C. § 552(a)).</p>	<p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted. This portion of the 2018 IBR Handbook is otherwise irrelevant, especially with respect to any regulation for which IBR approval was sought prior to the Handbook's effective date of July 2018 or that was promulgated before that date.</p> <p>Plaintiffs object that the 2018 IBR Handbook does not state that "If the material is necessary to understand or comply with the regulation, the agency must seek IBR approval from the Director of the Federal Register."</p> <p>This is a legal conclusion, not a fact.</p>
<p>23. Only the Director of the Federal Register can approve IBR requests, and "[p]ublication in the <i>Federal Register</i> of a document containing reference(s) to incorporated material does not in itself constitute an approval of the IBR by the Director." Becker Decl., ¶ 25, Ex. 58 (IBR Handbook) at 6.</p>	<p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted. This portion of the 2018 IBR Handbook is otherwise irrelevant, especially with respect to any regulation for which IBR approval was sought prior to the Handbook's effective date of July 2018 or that was promulgated before that date.</p> <p>This is a legal conclusion, not a fact.</p>
<p>24. Similarly, the Federal Register may contain references to incorporated material, but the referenced material is not actually incorporated by reference when it has not</p>	<p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted. This portion of the 2018 IBR Handbook is otherwise irrelevant,</p>

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received the Director’s formal approval. Becker Decl., ¶ 25, Ex. 58 (IBR Handbook) at 11.	<p>especially with respect to any regulation for which IBR approval was sought prior to the Handbook’s effective date of July 2018 or that was promulgated before that date.</p> <p>This is a legal conclusion, not a fact.</p>
<p>25. To be eligible for incorporation by reference, the material must be <i>published</i> and “impossible or impractical” to print in the C.F.R. Becker Decl., ¶ 25, Ex. 58 (IBR Handbook) at 6. This means it is typically documents, or portions of documents, that are incorporated by reference—not mere text, which could otherwise be printed in the C.F.R. See Becker Decl., ¶ 25, Ex. 58 (IBR Handbook) at 11-12.</p>	<p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted. This portion of the 2018 IBR Handbook is otherwise irrelevant, especially with respect to any regulation for which IBR approval was sought prior to the Handbook’s effective date of July 2018 or that was promulgated before that date.</p> <p>The statement that the referenced portion of the 2018 IBR Handbook “means it is typically documents, or portions of documents, that are incorporated by reference—not mere text, which could otherwise be printed in the C.F.R.” is PRO’s argument, not fact.</p> <p>The statement about what is typically incorporated and that “mere text” could be printed in the C.F.R. is not supported by the cited document. As explained in Plaintiffs’ briefing, agencies use and the federal government endorses incorporation by reference for reasons other than simply reducing the bulk of the Code of Federal Regulations. Reply at Background Part A.</p>
<p>26. According to the Director of Legal Affairs and Policy at the Office of the Federal Register, if an agency identifies a document in its IBR language and does not specify a specific section of that document, the entire document is incorporated by reference. Malamud Decl. ¶ 40, Ex. 34.</p>	<p>This is a legal conclusion, not a fact.</p> <p>Objection. The OFR statement is hearsay and is inadmissible to prove the truth of the matter asserted. It is otherwise irrelevant as the privately expressed views of one federal employee do not dictate agency policy or practice. It also is improper opinion testimony.</p>

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	<p>PRO's paraphrase of the email exchange mischaracterizes it. PRO concedes in the same document that the proposition is not supported by any OFR document, handbook, or other policy.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law and, as explained in Plaintiffs' Reply, Plaintiffs dispute PRO's conclusions from this inaccurate premise.</p>
D. Incorporation of Parts of Documents Versus Incorporation of Complete Documents	
<p>27. Where a federal agency seeks to incorporate only parts of a standards document, it is explicit. For example, 24 CFR § 3280.4(aa)(4) (2019) states that only specific parts of the 2005 edition of the National Electrical Code, NFPA 70, are incorporated into law:</p> <p>(a) The specifications, standards, and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full.</p> <p>...</p> <p>(aa) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269, phone number 617-770-3000, fax number 617-770-0700, Web site: http://www.nfpa.org.</p> <p>...</p>	<p>This is a legal conclusion, not a fact.</p> <p>Disputed. The cited reference neither states nor supports PRO's statement that "[w]here a federal agency seeks to incorporate only parts of a standards document, it is explicit." PRO offers no evidence regarding the reason that the cited reference identifies specific portions of NFPA 70 and the cited reference does not indicate any. Further, while PRO draws an inference that because this regulation identifies certain sections of the standard, regulations that do not identify particular sections of a standard should be treated differently, there is no factual or legal basis for such an inference; PRO offers no evidence that this particular regulation is representative of regulations from the promulgating agency or from other agencies across the federal government.</p>

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<p>(4) NFPA No. 70-2005, National Electrical Code, IBR approved as follows:</p> <p>(i) Article 110.22, IBR approved for §§ 3280.803(k) and 3280.804(k).</p> <p>(ii) Article 210.12(A) and (B), IBR approved for § 3280.801(b).</p> <p>(iii) Article 220.61, IBR approved for § 3280.811(b).</p> <p>(iv) Article 230, IBR approved for §§ 3280.803(k) and 3280.804(k).</p> <p>...</p> <p>24 CFR § 3280.4(aa)(4)(i)-(iv).</p>	
<p>28. In contrast, the full 2005 edition of the National Electrical Code, NFPA 70, is incorporated by reference at 49 C.F.R. § 192.7 (2009):</p> <p>§ 192.7 What documents are incorporated by reference partly or wholly in this part?</p> <p>(a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) . . . These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. . . . F. National Fire Protection Association (NFPA): . . .</p> <p>(4) NFPA 70 (2005) “National Electrical Code.”</p>	<p>This is a legal conclusion, not a fact.</p> <p>Disputed to the extent PRO intends this citation to support the previous paragraph’s statement that “[w]here a federal agency seeks to incorporate only parts of a standards document, it is explicit.” PRO offers no evidence regarding the reason that the cited reference refers to NFPA 70 as it does, and the cited reference does not indicate any. Further, while PRO draws an inference that because one regulation (identified in ¶ 27) identifies certain sections of the standard, regulations that do not identify particular sections of a standard should be treated differently, there is no factual or legal basis for such an inference; PRO offers no evidence that the identified regulation is representative of regulations from the promulgating agency or from other agencies across the federal government.</p> <p>Disputed to the extent PRO suggests that the cited reference does not identify specific portions of NFPA 70. The cited reference identifies two regulations for which the standard is being incorporated:</p>

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	<p>§§ 192.163(e) and 192.189(c). 49 C.F.R. § 192.7 (2009). Section 192.163(e) states that “[e]lectrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, ANSI/NFPA 70, so far as that code is applicable.” 49 C.F.R. § 192.163(e) (2009). Section 192.189(c) states that “[e]lectrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, ANSI/NFPA 70.” Both of the regulations in the cited reference thus identify specific fields (“electrical equipment and wiring installed in compressor stations”; “electrical equipment in vaults”) and specific provisions (“applicable” provisions; “applicable requirements of Class 1, Group D”).</p>
E. Incorporation by Reference Versus Extrinsic Unincorporated Standards	
<p>29. Sometimes external documents are referred to in the C.F.R. or in other government edicts but not formally incorporated into law. When a document is referenced but not formally incorporated, it serves as only an “extrinsic standard”. <i>See, e.g., Practice Mgmt. Info. Corp. v. Am. Med. Ass’n</i>, 121 F.3d 516 (9th Cir. 1997) (regulations required Medicare and Medicaid claimants to use a private medical coding system but did not incorporate the medical coding system into law). Likewise, <i>CCC Information Services, Inc. v. Maclean Hunter Market Reports, Inc.</i>, concerned a document that was one of several automobile valuation references that regulations approved for use in insurance adjusting. 44 F.3d 61 (2d Cir. 1994). The regulation stated “[m]anuals approved for use are...The Redbook...,” without any mention of incorporating those manuals into enforceable laws. <i>See</i> N.Y. Comp. Codes, R. & Regs. tit. 11,</p>	<p>This is a legal conclusion, not a fact.</p> <p>Objection. This is attorney argument not fact and consists of an incorrect legal interpretation of the cases, not a fact. It also is vague to the extent it refers to “government edicts.” It is also irrelevant.</p> <p>PRO mischaracterizes the cases. The quoted language “extrinsic standard” does not appear in <i>Practice Management Information Corp. v. American Medical Association</i>, 121 F.3d 516 (9th Cir. 1997), which involved IBR: “HCFA published notices in the Federal Register incorporating the CPT in HCFA’s Common Procedure Coding System, <i>see</i> 48 Fed. Reg. 16750, 16753 (1983); 50 Fed. Reg. 40895, 40897 (1985), and adopted regulations requiring applicants for Medicaid reimbursement to use the CPT. <i>See</i> 42 C.F.R. § 433.112(b)(2) (requiring compliance with Part 11 of the State</p>

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<p>§ 216.7(c)(1)(i) (West 1999), <i>cited in CCC</i>, 44 F.3d at 73 n.29.</p>	<p>Medicaid Manual, which requires states receiving federal funding for Medicaid to adopt the Administration’s Common Procedure Coding System as the exclusive medical procedure coding system).” <i>Id.</i> at 518; <i>see also id.</i> n.3 (citing additional IBRs). Likewise, the Court’s holding in <i>CCC Information Services, Inc. v. Maclean Hunter Market Reports, Inc.</i>, 44 F.3d 61 (2d Cir. 1994) presumed IBR status and nevertheless found in favor of the copyright holder. These cases do not say what PRO purports that they say and do not help PRO.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.</p>
<p>II. STANDARDS THAT HAVE BECOME LAW ARE NOT GENERALLY AND FREELY ACCESSIBLE</p>	
<p>30. Without the database that Public Resource provides, citizens have few options for accessing laws and regulations by incorporation. First, one may make an appointment to visit the National Archives in Washington, D.C., to read a paper version of a federally incorporated standard. <i>See, e.g.</i>, 10 C.F.R. § 433.3. This option does not provide meaningful access for persons without the means to travel to Washington, or persons with visual disabilities, and it does not allow computer-aided analysis.</p>	<p>Objection. This statement is PRO’s argument not based on any cited facts and, in any event, would be irrelevant to the extent it relates to any standards other than the Works. The statement’s discussion of access for individuals with visual disabilities is irrelevant, as the D.C. Circuit previously held that “the district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards.” <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p> <p>Disputed. The statement is entirely unsupported.</p> <p>Disputed to the extent it implies that any of the standards at issue are not reasonably</p>

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	<p>available. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. There are numerous options for accessing the Works in addition to visiting the National Archives. Plaintiffs provide read-only access to the Works for free—excluding certain of the Works that are not incorporated by reference as claimed by PRO—on their websites, and sometimes linked through other websites, such as local and state government websites. <i>See</i> ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85. The Works are also available for purchase at reasonable prices. ECF No. 118-2 (Pls.’ SMF) ¶¶ 57-61, 99, 158; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 77, and are often available through subscription services. ECF No. 118-2 (Pls.’ SMF) ¶ 160; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 78; Declaration of Thomas O’Brien, Jr. dated Dec. 20, 2019 (O’Brien Decl. III”) ¶¶ 9-10. Plaintiffs’ standards are also available through third-party subscription services. O’Brien Decl. III ¶¶ 9-10.</p> <p>Disputed to the extent PRO intends to suggest that it provides citizens with “options for accessing laws and regulations by incorporation.” PRO’s copies of standards contain errors; PRO does not provide comprehensive information regarding where standards have been incorporated by reference; and, to the extent PRO does identify information about any incorporating regulations, that information is often inaccurate. Mot. 15 & n.10.</p> <p>Disputed to the extent PRO intends to suggest that it provides meaningful access for persons with visual disabilities. Public Resource’s copies also are not meaningfully</p>

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	accessible to persons with visual disabilities. ECF No. 155-1 (Pls.' Supp. SMF ¶¶ 4-7).
<p>31. Second, one can sometimes purchase copies. This can be not only expensive but also difficult, because where, as here, the standards are currently effective as law, but are obsolete as standards, at least some publishers apparently see little reason to make them widely available. Some standards are available only on paper because the sponsoring standards development organization (SDO) has not authorized electronic versions, and thus they are unavailable to persons with visual disabilities or for computer-aided analysis. Becker Decl. ¶ 62, Ex. 96 (Fruchterman expert report). Even when available, the standards can cost hundreds of dollars, plus shipping and handling. See Plaintiffs Second Supplemental Statement of Material Facts ("Plf. SSSMF") ¶ 78. And many older standards are not available for purchase. See, e.g., <i>Getty Petroleum Mktg., Inc.</i>, 391 F.3d at 320-21, 330 (1st Cir. 2004) (court and parties unable to locate NFPA standard).</p>	<p>Objection. This statement is PRO's argument and, in any event, would be irrelevant to the extent it relates to any standards other than the Works, and it contains inadmissible opinion testimony with respect to the characterizations that purchasing standards can be expensive and difficult. The statement's discussion of access for individuals with visual disabilities is irrelevant, as the D.C. Circuit previously held that "the district court properly rejected some of PRO's arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards." <i>Am. Soc'y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p> <p>There is no support for the statement that the standards at issue in this lawsuit are (1) expensive, (2) not available for purchase, (3) available only on paper, (4) currently effective as law, or (5) obsolete as standards.</p> <p>Disputed to the extent that PRO implies that Plaintiffs' standards are unreasonably priced. There has been "no outcry at all to date from the standards-consuming public about either a lack of access to standards or unreasonably-priced standards. With the exception of Defendant, Plaintiffs have not received any complaints about lack of accessibility of their standards." ECF No. 118-12 (Rubel Decl.) ¶ 4, Ex. 1 (Jarosz Report. ¶ 161).</p> <p>Disputed to the extent it implies that any of the standards at issue are not reasonably</p>

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	<p>available. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. None of the Works are available only on paper—all of the Works that have been incorporated by reference are available in a digital format in Plaintiffs’ online reading rooms, and many are available for purchase in digital format. ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶¶ 77, 80, 85. In addition, many of the Works are available in digital format from subscription services. ECF No. 118-2 (Pls.’ SMF) ¶ 160; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 78; O’Brien Decl. III ¶¶ 9-10. Standards are also available through third-party subscription services that are fully text-searchable. O’Brien Decl. III ¶¶ 9-10.</p> <p>PRO mischaracterizes <i>Getty Petroleum Marketing, Inc. v. Capital Terminal Co.</i>, 391 F.3d 312, 320 (1st Cir. 2004), which addresses whether Capital Terminal’s request for judicial notice was wrongly refused where Capital Terminal failed to supply a certified copy of NFPA 30 (1987) and the court did not find a copy. First, the case does not stand for the proposition that “many older standards are not available for purchase.” Second, NFPA 30 (1987) is available for purchase on NFPA’s website. Supplemental Decl. of Jane Wise (“Wise Decl. II”) ¶ 8, Ex. 180.</p> <p>The availability of the 1987 version of this publication is also irrelevant because it is not one of the standards at issue. Finally, this case is hearsay and is inadmissible to prove the truth of the matter asserted.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law. PRO’s</p>

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	<p>assertion that “the standards are currently effective as law” is unsupported by the record evidence and contradicted by PRO’s own admission that it has posted standards that are not law: “when attempting to post the relevant law, Public Resource accidentally posted an edition of an ASTM standard that was not the precise edition listed in the C.F.R. incorporating language.” ECF No. 203-1, Opp. 6 n.3.</p> <p>Disputed that Plaintiffs’ standards are not available to persons with visual disabilities. Plaintiffs will make electronic versions of any of the Works available to persons with visual disabilities. ECF No. 155-1 (Pls.’ Supp. SUMF) ¶¶ 8-12.</p> <p>Disputed to the extent PRO intends to suggest that it provides meaningful access for persons with visual disabilities. Public Resource’s copies also are not meaningfully accessible to persons with visual disabilities. ECF No. 155-1 (Pls.’ Supp. SMF ¶¶ 4-7).</p> <p>NFPA has a commitment to make accommodations for persons with disabilities to access NFPA materials. For each request by a visually impaired individual for access to an NFPA standard, NFPA has responded by providing that individual with a copy they can use at no charge. ECF No. 155-6 (Dubay Decl.) ¶¶ 6-7. NFPA is not aware of any other individuals who have requested and not received an accommodation. <i>Id.</i> ¶ 6.</p>
<p>32. Third, one can search libraries for standards. Contrary to the SDOs’ suggestion, library availability is poor; libraries typically carry current standards but not earlier standards that still function as law, and library copies are typically only on paper. <i>See, e.g., Getty</i></p>	<p>Objection. This statement is PRO’s argument not based on any cited facts and, in any event, would be irrelevant to the extent it relates to any standards other than the Works.</p>

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<p><i>Petroleum Mktg., Inc.</i>, 391 F.3d at 320-21, 330 (1st Cir. 2004).</p>	<p>There is no support for the statement that the standards at issue in the lawsuit are unavailable in libraries.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law. PRO's assertion that "standards still function as law" is unsupported by the record evidence and contradicted by PRO's own admission that it has posted standards that are not law: "when attempting to post the relevant law, Public Resource accidentally posted an edition of an ASTM standard that was not the precise edition listed in the C.F.R. incorporating language." ECF No. 203-1, Opp. 6 n.3.</p> <p>Disputed to the extent it implies that any of the standards at issue are not reasonably available. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. All of the Works that have been incorporated by reference are available in a digital format in Plaintiffs' online reading rooms, and many are available for purchase in digital format. ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶¶ 77, 80, 85. In addition, many of the Works are available in digital format from subscription services. ECF No. 118-2 (Pls.' SMF) ¶ 160; ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶ 78; O'Brien Decl. III ¶¶ 9-10. Standards are also available through third-party subscription services. O'Brien Decl. III ¶¶ 9-10.</p> <p>PRO mischaracterizes <i>Getty Petroleum Marketing, Inc. v. Capital Terminal Co.</i>, 391 F.3d 312, 320 (1st Cir. 2004), which addresses whether Capital Terminal's request for judicial notice was wrongly refused where Capital Terminal failed to</p>

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	<p>supply a certified copy of NFPA 30 (1987) and the court did not find a copy. First, the case does not stand for the proposition that “many older standards are not available for purchase.” Second, NFPA 30 (1987) is available for purchase on NFPA’s website. Wise Decl. II”) ¶ 8, Ex. 180.</p> <p>The availability of the 1987 version of this publication also is irrelevant because it is not one of the standards at issue. Finally, this case is hearsay and is inadmissible to prove the truth of the matter asserted.</p>
<p>33. Finally, one can access some standards through online “reading rooms”—all but one of which standards publishers established only after Public Resource embarrassed them by highlighting the lack of public access. But many standards that are part of the law are not available in any online reading room. <i>See, e.g.</i>, Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 20:19–22.</p>	<p>Objection. This statement is PRO’s argument not based on any cited facts and, in any event, would be irrelevant to the extent it relates to any standards other than the Works.</p> <p>There is no support for the statement that standards publishers established reading rooms “only after Public Resource embarrassed them by highlighting the lack of public access.” The cited reference simply addresses ASHRAE’s policy regarding which standards to post in its reading rooms—not its (or ASTM’s or NFPA’s) reasons for establishing the reading rooms. ASTM started planning its reading room in 2011 and NFPA and ASHRAE have provided free read-only access for over a decade. ECF No. 155-1 (Pls.’ Supp. SMF) ¶¶ 23-24. The statement is irrelevant. There is no support for the statement that many standards (and all of the Works that were actually incorporated by reference into the C.F.R.) are not available in any online reading room.</p> <p>Moreover, the cited reference says nothing of whether many standards incorporated by reference are available on the reading rooms.</p>

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	<p>The cited reference merely indicates that ASHRAE sometimes removes older standards from its reading room (but says nothing of whether those standards are incorporated by reference or are the same standards at issue here. Becker Decl. ¶ 11, Ex. 44 (Comstock Depo.) at 20:19–22. And ASHRAE has provided clear testimony that all standards at issue in this case are available on its reading room. Reiniche Decl. [Dkt No. 199-34] ¶ 3.</p> <p>Disputed to the extent it implies that any of the standards at issue are not reasonably available. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. All of the Works that have been incorporated by reference are available in a digital format in Plaintiffs’ online reading rooms, and many are available for purchase in digital format. ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶¶ 77, 80, 85. In addition, many of the Works are available in digital format from subscription services. ECF No. 118-2 (Pls.’ SMF) ¶ 160; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 78.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law. PRO’s statement that standards “are part of the law” is unsupported by the record evidence contradicted by PRO’s own admission that it has posted standards that are not law: “when attempting to post the relevant law, Public Resource accidentally posted an edition of an ASTM standard that was not the precise edition listed in the C.F.R. incorporating language.” ECF No. 203-1, Opp. 6 n.3.</p>
<p>34. Plaintiffs provide “reading rooms” for some of the incorporated standards. Dkt. 118-11, ¶ 50; Dkt. 118-7, ¶ 60; Dkt. 118-8, ¶ 45;</p>	<p>Disputed. PRO does not identify any Work that has been incorporated that is not available in one of Plaintiffs’ reading rooms.</p>

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Dkt. 188-10, ¶¶ 19–20; Dkt. 198-53, ¶ 3; Dkt. 198-52, ¶ 41	<p>NFPA makes all of its standards (and one previously edition available online for free read-only access) and both NFPA and ASHRAE make all of their standards that have been incorporated by reference into government regulations available online for free read-only viewing. ECF No. 118-2 (Pls.’ SMF) ¶¶ 100, 161; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85. ASTM makes all of the ASTM Works and all ASTM standards that it is aware have been incorporated by reference by the federal government available for read-only viewing in its reading room. ECF No. 118-2 (Pls.’ SMF) ¶ 63; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85.</p> <p>Plaintiffs object to PRO’s reliance on ECF No. 188-10, as no such docket entry exists.</p>
35. Plaintiffs’ “reading rooms” do not permit software-based searching and analysis of the incorporated standards. Becker Decl. ¶ 62, Ex. 96 (Fruchterman Rep.) at 6.	<p>Objection. Inadmissible opinion testimony. Mr. Fruchterman has been offered as an expert on accessibility of materials to people who are visually impaired. He is not competent to testify about software-based searching and analysis.</p> <p>Disputed that Plaintiffs’ standards are not available to persons with visual disabilities. Plaintiffs make accessible versions of any of the Works available to persons with visual disabilities. ECF No. 155-1 (Pls.’ Supp. SUMF) ¶¶ 8-12.</p>
36. Plaintiffs online “Reading Rooms” do not allow people with print disabilities to use software based screen readers to access the legally mandated standards. Becker Decl. ¶ 62, Ex. 96 (Fruchterman Rep.) at 7–13.	<p>Objection. Relevance. The D.C. Circuit previously held that “the district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards.” <i>Am. Soc’y for Testing &</i></p>

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	<p><i>Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p> <p>Disputed. To protect their copyrighted standards from exposure to mass copying, Plaintiffs have provided versions of their standards on their reading rooms that provide read-only access. <i>See, e.g.</i>, ECF No. 204-51, Ex. 45 (Grove Depo.) at 110:8-23; ECF No. 204-47, Ex. 41 (Dubay Depo.) 77:21-78:4; ECF No. 204-50, Ex. 44 (Comstock Depo.) at 10:23-11:3. There is no evidence that Plaintiffs placed any purposeful restriction on the use of screen readers by people with print disabilities on their reading rooms. To the extent a screen reader requires the ability to do more than read from an image of the standard on the screen, it is undisputed that the screen reader will not be able to read the versions of Plaintiffs' standards on their reading rooms.</p> <p>Disputed that Plaintiffs' standards are not available to persons with visual disabilities. Plaintiffs make accessible versions of any of the Works available to persons with visual disabilities. ECF No. 155-1 (Pls.' Supp. SUMF) ¶¶ 8-12.</p> <p>NFPA has a commitment to make accommodations for persons with disabilities to access NFPA materials. For each request by a visually impaired individual for access to an NFPA standard, NFPA has responded by providing that individual with a copy they can use at no charge. ECF No. 155-6 (Dubay Decl.) ¶¶ 6-7. NFPA is not aware of any other individuals who have requested and not received an accommodation. <i>Id.</i> ¶ 6.</p>
37. People must register to access the reading rooms established by ASTM and NFPA. The registration process requires a	Undisputed.

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<p>visitor to provide ASTM and NFPA with their names and email address. ASTM also requires visitors to provide additional information, including the visitors address and phone number. Becker Decl., ¶ 12, Ex. 45(Grove Depo.) at 213:14–19; Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 79:4–7; Becker Decl., ¶ 9, Ex. 42 (Mullen Depo.) at 50:4–18; Dkt. 122-8, Ex. 132 (ASTM Reading Library Registration Screen, Page) at 1; Dkt. 122-8, Ex. 133 (ASTM Reading Library Registration Screen) at 2; Dkt. 122-8, Ex. 138 (NFPA Sign In Webpage).</p>	
<p>38. NFPA uses the information gathered from visitors to its online Reading Room to send marketing materials. Becker Decl., ¶ 9, Ex. 42(Mullen Depo.) at 51:17–52:2.</p>	<p>Objection. Relevance.</p>
<p>39. The visitor to Plaintiffs' reading rooms will find the standard displayed in a small box on the visitor's screen, in text that is sometimes degraded, in a small font size that is difficult for many people to read. Magnification of the text makes the text appear blurry. In general, only a small part of each page of the standard is visible at once, and with greater magnification even a single line cannot be viewed without scrolling. Each page of each standard is stamped over the text with a warning that the material is copyrighted. Becker Decl., ¶ 12, Ex. 45(Grove Depo.) at 217:1–19; Dkt. 122-8, Ex. 140; Dkt. 122-9, Ex. 141; Dkt. 122-9, Ex. 142; Dkt. 122-9, Ex. 143; Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 219:18–221:05; Dkt. 122-8, Ex. 139 (ASHRAE Reading Room Screenshot); Dkt. 118-7. [REDACTED] Becker Decl. ¶ 61, Ex. 95. [REDACTED] Becker Decl. ¶ 63, Ex. 97.</p>	<p>Objection. This statement is PRO's argument.</p> <p>Disputed. There is no support for the contentions that the text of the standards is sometimes degraded, the font size is difficult for many people to read, magnification of the text makes the text appear blurry, or only a small part of each page can be viewed without scrolling. Not all Plaintiffs stamp each page of the text with a copyright notice. Objection to the characterization of the ASTM documents based on the best evidence rule.</p> <p>Disputed to the extent it mischaracterizes the statements by ASTM, which speak for themselves and that are quoted out of context. See ECF No. 122-8, Def. Ex. 140, ECF No. 122-9, Def. Ex. 141. There is no evidence that the standards are displayed in a "small" box. The only cited evidence of the size is a 5-by-7 pane.</p>

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40. A user of ASTM's reading room must click a box that states the user agrees to ASTM's end user license agreement before accessing the reading room. NFPA's reading room also contains terms of service. Dkt. 122-8 Ex. 35 (ASTM License Agreement Webpage); Dkt. 122-8 Ex. 135 (ASTM Reading Room Terms); Dkt. 122-8 Ex. 137 (NFPA Free Access Terms).	Undisputed.
41. ASHRAE posted some of its standards for public viewing in a format that restricted downloading. Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 11:25–12:7.	Undisputed.
42. ASHRAE posted its standards for public viewing with the intent of increasing demand for the posted standards. Becker Decl., ¶ 11, Ex. 44(Comstock Depo.) at 11:25–12:7.	Undisputed.
43. ASHRAE removes older standards incorporated by reference from its reading room. Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 20:19–22.	Disputed. The cited reference says that ASHRAE sometimes takes older standards out of its reading rooms. It does not say that ASHRAE removes standards that are still incorporated into current laws. <i>See</i> Becker Decl. ¶ 11, Ex. 44 (Comstock Depo.) at 20:19–22.
44. Plaintiffs do not allow people to print or download the standards on their reading rooms. Dkt. 122-8, Ex. 134 (ASTM Reading Room Disclaimer); Dkt. 198-52, ¶ 42.	Undisputed.
III. THE STANDARDS ARE DESIGNED TO BE FOLLOWED AS LAW	
45. Plaintiffs monitor whether people follow the requirements of standards incorporated into law. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 30:1–37:25.	Disputed. The cited deposition testimony does not describe the actions of Plaintiffs. The testimony describes NFPA's Mr. Bliss's previous "service as a government employee," not his actions on behalf of NFPA. <i>See, e.g.</i> , ECF No. 122-1, Def. Ex. 4 (Bliss Depo.) 32:20-33:10. The evidence is to the contrary. NFPA standards state

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	<p>expressly "The NFPA has no power nor does it undertake, to police or enforce compliance." <i>See, e.g.</i>, Dkt. 199-12 (sealed), Supp. Pauley Decl. Ex. A (NFPA-PR0013033).</p> <p>There is no evidence that supports this statement in connection with any Plaintiff, and PRO does not even cite any statement that relates to ASHRAE or ASTM.</p>
<p>46. Plaintiffs enforce whether people follow the requirements of standards incorporated into law. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 30:1–37:25.</p>	<p>Objection. The phrase "Plaintiffs enforce" is vague and ambiguous.</p> <p>Disputed. The testimony describes NFPA's Mr. Bliss's previous "service as a government employee," not his actions on behalf of NFPA. <i>See, e.g.</i>, ECF No. 122-1, Def. Ex. 4 (Bliss Depo.) 32:20-33:10. The evidence is to the contrary. NFPA standards state expressly "The NFPA has no power nor does it undertake, to police or enforce compliance." <i>See, e.g.</i>, Dkt. 199-12 (sealed), Supp. Pauley Decl. Ex. A (NFPA-PR0013033).</p> <p>There is no evidence that supports this statement in connection with any Plaintiff, and PRO does not even cite any statement that relates to ASHRAE or ASTM.</p>
<p>47. The standards at issue are dictated by external factors, including international principles and the desire to satisfy regulations and laws. Dkt. 122-7, Ex. 106 (Public Policy & Corporate Outreach Presentation, Sep. 2015); Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 94:24-95:01.</p>	<p>Disputed. The proposition that Plaintiffs' standards are dictated by external factors, including international principles and the desire to satisfy laws and regulations, is not supported by the cited testimony or document.</p> <p>In response the question "What regulatory purposes do you anticipate government agencies have that causes them to examine industry standards?" the witness answered, "I don't have an answer for that. I think you</p>

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	<p>could assume that government participants in the standardization process bring knowledge of regulatory agendas and regulatory needs of agencies to the voluntary consensus community of which ASTM is one member amongst others.” ECF No. 204-51, Ex. 45 (Grove Depo.) at 94:15-95:3. Similarly, the cited document is a PowerPoint presentation that contains no statements about any factors that dictate the content of Plaintiffs’ standards.</p> <p>There is no evidence that supports this statement in connection with any Plaintiff, and PRO does not even cite any statement that relates to NFPA or ASHRAE.</p>
<p>48. NFPA’s Style Manual for the NEC, for example, specifies that because the NEC is “intended to be suitable for adoption as a regulatory document, it is important that it contain clearly stated mandatory requirements in the code text” so as to “encourage uniform adoption . . . without alterations.” Additionally, ASHRAE circulates a detailed Manual designed to ensure that technical committees draft standards that will be easily adopted as regulations. Dkt. 122-8, Ex. 122 (Style Manual for the NEC) at 4; Dkt. 122-7, Ex. 103 (ASHRAE Guide to Writing Standards in Code Intended Language).</p>	<p>Objection as to completeness. The NEC Style Manual includes substantial other general and specific guidelines. <i>E.g.</i>, Dkt. 122-8, Ex. 122 at p. 8 (describing annexes inclusion of “nonmandatory material”); <i>id.</i> at p. 13 (describing process for drafting nonmandatory permissive rules and informational notes).</p> <p>Disputed as to ASTM. None of the cited evidence relates to ASTM or its standards, yet PRO implies that this statement applies universally to all Plaintiffs.</p>
IV. PLAINTIFFS LOBBY TO HAVE THEIR STANDARDS MADE LAW	
<p>49. ASTM seeks to get Congress to incorporate the most recent version of any particular standard because incorporation “freezes . . . that reference in statute for years to come.” Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 260:25–261:15.</p>	<p>Disputed. ASTM does not lobby for incorporation of its standards by reference. However, if a government is going to incorporate an ASTM standard by reference, ASTM believes that it should use the most up-to-date standard rather than outdated materials. ECF No. 204-51, Ex. 45 (Grove Depo.) at 124:10–125:05.</p>

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<p>50. The adoption or incorporation of NFPA codes and standards into law may benefit NFPA financially because it encourages industries to purchase the standard. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 118:23–119:1; Becker Decl., ¶ 5, Ex. 38 (Jarosz Depo.) at 209:16–210:7.</p>	<p>Disputed. The cited references do not indicate that incorporation encourages industries to purchase standards. In the deposition of Mr. Bliss, he offered his opinion that individuals might purchase a standard that had been incorporated; he did not identify any evidence that supports PRO’s speculation. In the cited portion of Mr. Jarosz’s deposition, he states that incorporation allows Plaintiffs to serve the industry; that testimony does not say that incorporation encourages industries to purchase the standards.</p> <p>Disputed as incomplete. NFPA has not identified any direct correlation between incorporation by reference and sales. ECF No. 122-2, Def. Ex. 11 (Mullen Depo.) 95:3-25.</p>
<p>51. ASHRAE has a Government Affairs office in Washington D.C. Dkt. 122-4, , Ex. 52.</p>	<p>It is undisputed that ASHRAE has an office in Washington DC. Some of the activities that office takes could be characterized as “Government Affairs.”</p>
<p>52. ASHRAE’s Government Affairs office has encouraged members of congress and other policy makers to incorporate ASHRAE standards into law. Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 136:11–21; 138:24–140:10; 210:19–211:09.</p>	<p>Disputed. ASHRAE does not dispute that it offers technical assistance to members of congress when requested. However, Defendant overstates the evidence it cites. Ms. Reiniche’s actual testimony reflects that ASHRAE staff or volunteers would meet with agencies “when they were requesting that type of thing.” The cited testimony also concerns ASHRAE’s involvement in a “High-Performance Building Congressional Caucus Coalition” that may meet with Congress. Finally, the cited testimony refers specifically to ASHRAE Standard 161-2007, which is not at issue in this case.</p> <p>Objection to the relevance of the cited testimony to the extent that it refers to</p>

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	ASHRAE standards not at issue in this litigation (Fed. R. Evid. 402).
53. ASHRAE started a grassroots program to advocate for adoption of building codes into law, including the standard known as ASHRAE 90.1. Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 144:06–145:23.	<p>Objection to Relevance (Fed. R. Evid. 402).</p> <p>Defendant overstates the testimony, which actually reflects that volunteer members of ASHRAE chapters may speak to local government officials “when we are made aware of references” to standards. In other words, this grassroots campaign does not necessarily involve adoption of standards but could be about a number of issues, and engagement appears to occur once the topic of incorporation by reference has already arisen independent of ASHRAE. ECF No. 204-49, Ex. 43 (Reiniche Depo.) at 144:06–145:23.</p>
54. ASHRAE refers to the citation of ASHRAE 90.1 in the Energy Policy Act (“EPAAct”) as ASHRAE’s “EPAAct advantage,” because ASHRAE 90.1 is referenced over other energy efficiency commercial building codes. Dkt. 122-4, Ex. 50; Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 127:13–127:18, 128:07–130:21.	ASHRAE does not dispute that certain ASHRAE documents have referenced an “EPAAct advantage.” However, EPAAct does not require states to adopt Standard 90.1; instead it requires that their standards be “no less stringent” than 90.1 (or no less stringent than a building code from a competing SDO, the International Code Council, depending on building type). ECF No. 204-49, Ex. 43 (Reiniche Depo.) at 31:6-20; 150:14-151:12.
55. ASHRAE has repeatedly entered into a “Memorandum of Understanding” with the Department of Energy (DOE) that states that both organizations are “committed to working together toward . . . [c]ooperating in promotion of ANSI/ASHRAE standards adoption in building codes.” Dkt. 122-4, Ex. 49; Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 110:20–111:16; 113:13–114:01.	<p>Objection to Relevance (Fed. R. Evid. 402)</p> <p>ASHRAE admits it has entered a memorandum of understanding with the DOE. However, it disputes that the evidence regarding “adoption into building codes” is relevant. As Ms. Reniche explained in the testimony that Defendant cites, this “adoption” most likely pertained to 90.1 serving as an alternate form of compliance to an International Code Council code (not direct incorporation into federal law). ECF</p>

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	No. 204-49, Ex. 43 (Reiniche Depo.) at 111:4-11; 113:13-114:1.
56. ASTM makes governments aware of ASTM standards, and takes pride in the incorporation by reference of its standards. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 235:02–236:02.	Disputed. Defendant's characterization of the testimony is misleading. Mr. Grove testified: "As a matter of policy, we make organizations – sorry – governments aware of our standards and point out and connection with agency missions. But in the end, we respect that agencies should be the ones that determine whether or not our standards are incorporated or not." ECF No. 204-51, Ex. 45 (Grove Depo.) at 235:5-10. Mr. Grove also testified that he did not believe ASTM would have an official position as to whether it is pleased when governments incorporate its standards by reference. ECF No. 204-51, Ex. 45 (Grove Depo.) at 236:14-25.
57. ASTM reaches out to congressional staffers and government agencies to suggest the use of particular editions of standards and particular language in legislation. Dkt. 122-3, Ex. 24; Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 124:10–125:05; 258:16–261:23; 263:05–263:09.	Disputed. The cited testimony and exhibit demonstrate that ASTM encourages government agencies who plan to reference an ASTM standard to reference the most up-to-date version of that standard. ASTM does not lobby for the incorporation by reference of its standards or for the inclusion of any particular language in legislation. ECF No. 118-2 (Pls.' SMF) ¶ 56.
58. ASTM participated in an "Incorporation by Reference Public Workshop" with the U.S. Department of Transportation on July 13, 2012. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 270:7–19.	Objection. Relevance. Undisputed.
59. ASTM has never requested that Congress or a federal agency not incorporate an ASTM standard by reference into law. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 261:25–262:08.	Objection. Relevance. Disputed to the extent it implies that Congress or any federal agency has ever sought permission from ASTM before

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	incorporating by reference an ASTM standard.
<p>60. On December 3, 2015, ASTM co-sponsored an event in Washington D.C. entitled “What Do Airplanes, Robots, Toys, Flat Screen TVs Amusement Parks & 3D Printing Have in Common?” The promotional literature for the event states that the event “will highlight the importance of government participation in and the reliance on voluntary standards and conformance.” Dkt. 122-7, Ex. 104 (“Capitol Hill Event to Feature Policy and Business Leader Insights on Voluntary Standards and Conformance”).</p>	<p>Objection. Relevance. Objection to the extent that PRO implies that a statement on American National Standard Institute’s website about the event is attributed to ASTM. Objection to the extent it mischaracterizes the document, which states “The event —on December 4, 2015, from 12:00-1:30 p.m. EST—will feature discussions between policy and business leaders who will highlight the importance of government participation in and the reliance on voluntary standards and conformance.” Plaintiffs further object to the statement as hearsay.</p> <p>Disputed as to characterization of the supporting exhibit as “promotional literature.”</p> <p>Disputed to the extent it falsely suggests that ASTM is referencing anything other than the importance of having government representation in the standards development process, as well as the input of industry, public interest groups and others. ASTM does not lobby for the incorporation by reference of its standards or for the inclusion of any particular language in legislation. ECF No. 118-2 (Pls.’ SMF) ¶ 56.</p>
<p>61. NFPA engages in activities to promote the adoption and incorporation by reference of NFPA codes and standards into law. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 46:19–48:20; 62:20–63:08; 82:09–18.</p>	<p>Disputed to the extent that PRO suggests that NFPA engages in activities with the sole purpose of encouraging the adoption of its standards—as opposed to engaging in activities with another primary purpose (e.g., education of the public or increasing public safety), that have the secondary effect of encouraging jurisdictions to adopt its standards.</p>

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	<p>Disputed to the extent this suggests that NFPA’s purpose in developing standards is for them to be incorporated by reference. NFPA does not develop any standards solely for that purpose. ECF No. 118-2 (Pls.’ SMF) ¶¶ 90-91.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.</p>
<p>62. NFPA is not aware of any situation where it would discourage the adoption of a standard into law. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 48:21–49:04.</p>	<p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.</p>
<p>63. NFPA is “advocating for fire safety” through the adoption and use of its standards by governments and industries. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 82:13–25.</p>	<p>Objection. The statement is irrelevant to the extent that it relates to ways that industry and government use standards other than incorporation by reference.</p> <p>Disputed. Defendant mischaracterizes the testimony, which states, “I guess it depends on the, how you would define ‘advocacy.’ We’re advocating for fire safety, and we believe that the adoption and use of standards promotes fire safety.” Def. Ex. 4 (Bliss Depo.) 82:13-16.</p>
<p>64. According to a statement by the Modification and Replacement Parts Association: “The burden of paying high costs simply to know the requirements of regulations may have the effect of driving small businesses and competitors out of the market, or worse endanger the safety of the flying public by making adherence to regulations more difficult due to fees” Dkt. 122-7, Ex. 105 (ABA Section of Administrative Law and Regulatory Practice Resolution, submitted November 17, 2015).</p>	<p>Objection. The cited evidence is hearsay. It is also irrelevant, especially since there is no evidence to suggest this statement relates to any standard at issue in this case.</p> <p>Disputed. There is no admissible evidence supporting this statement.</p>

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V. PUBLIC RESOURCE AND CARL MALAMUD	
A. Carl Malamud's Record of Public Service	
<p>65. Carl Malamud is the President and Founder of Public Resource. Since the 1980's, Mr. Malamud has dedicated his career to matters of public interest with a focus on Internet connectivity and public access. Mr. Malamud's career began as a Senior Systems Analyst at Indiana University. After completing his doctoral coursework with a focus on antitrust and regulation at the Indiana University School of Business, Mr. Malamud left the program to work on early relational database programs and computer networking. Declaration of Carl Malamud in Support of Public Resource's Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment ("Malamud Decl") ¶ 3. In 1984, Mr. Malamud assisted the Board of Governors of the Federal Reserve System in using computer and network technology to improve key indicators such as forecasts of the money supply. Malamud Decl. ¶ 4. Throughout the rest of the 1980's Mr. Malamud continued his public service as a computer consultant to the Argonne and Lawrence Livermore National Laboratories and the Department of Defense as well as teaching advanced seminars in relational databases and computer networks. Malamud Decl. ¶ 5. In 1993, Mr. Malamud founded the first radio station on the Internet, which he ran as a 501(c)(3) nonprofit public station. Malamud Decl. ¶ 6.</p>	<p>Objection. Relevance. Mr. Malamud's prior work experience is irrelevant. Plaintiffs object that the statement that Mr. Malamud founded the first radio station on the internet lacks foundation. Objection to the extent the statement is not supported by the declaration.</p>
<p>66. In January 1994, Mr. Malamud began to make government and legal materials more widely available to the public. Using a National Science Foundation grant, he purchased all electronic filings corporations submitted to the</p>	<p>Objection. Relevance. The last sentence is unsupported to the extent that it relies upon inadmissible hearsay to prove the truth of the matter asserted. Mr. Malamud's prior work experience is also irrelevant.</p>

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<p>Securities and Exchange Commission (SEC) and created the Electronic Data Gathering and Retrieval (EDGAR) service, which he made available for free on the Internet. Malamud Decl. ¶ 7. In August 1995, he donated computers and software to the SEC so the Commission could take over this service. <i>Id.</i> The SEC continues to operate this popular service, and reports that the system processes about 3,000 filings per day and 3,000 terabytes of data annually. See “About EDGAR,” https://www.sec.gov/edgar/aboutedgar.htm.</p>	
<p>67. Also in 1994, Mr. Malamud obtained the first “new media” credentials from the Radio-TV Gallery of the U.S. House of Representatives and started live-streaming all proceedings from the floors of the House and Senate. Malamud Decl. ¶ 9. He later assisted the Joint Economic Committee in hosting the first congressional hearing on the Internet. Malamud Decl. ¶ 10. That year, Mr. Malamud also purchased feeds of all U.S. patents and made them available for free on the Internet, and later convinced the U.S. Patent and Trademark Office to provide this service to the public itself. Malamud Decl. ¶ 12.</p>	<p>Objection. Relevance. Mr. Malamud’s prior work experience is irrelevant. Objection to the New York Times Article, ECF No. 204-8, Def. Ex. 2, as hearsay to the extent PRO relies on it for the truth of the matter asserted therein.</p>
<p>68. Throughout the 2000s, Mr. Malamud continued his mission of making government information more accessible to the public. In 2005 and 2006, Mr. Malamud was the Chief Technology Officer for the non-profit education organization Center for American Progress. While there, he focused on developing a plan to make all congressional hearing available to the public as high-resolution video. Malamud Decl. ¶ 13. And, in 2007, Mr. Malamud founded Public Resource. Through Public Resource, Mr. Malamud has spearheaded successful efforts to make government records and</p>	<p>Objection. Mr. Malamud’s prior work experience is irrelevant.</p> <p>The statement is further disputed to the extent it implies that Mr. Malamud’s efforts have not violated copyright law.</p>

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information publicly accessible. Malamud Decl. ¶ 14.	
<p>69. In January 2009, President Barack Obama’s transition effort recruited Mr. Malamud to develop plans and assist with transforming the Federal Register. The resulting program won the first-ever Walter Gellhorn Award for innovation in government services by the Administrative Conference of the United States. The Archivist of the United States, Hon. David Ferriero, recognized Mr. Malamud’s efforts in a letter dated April 2, 2019, stating: “Our Founding Fathers believed that an informed and involved citizenry was key to our democracy and Public Resource helps us make[] this true.” Malamud Decl. ¶ 22.</p>	<p>Objection. This statement is unsupported to the extent that it relies upon inadmissible hearsay to prove the truth of the matter asserted. Mr. Malamud’s prior work experience is also irrelevant. Plaintiffs further object to the last sentence as incomplete to the extent it selectively quotes from a letter.</p> <p>Plaintiffs object to the extent PRO implies that the federal government approves of PRO’s posting any of the Works. Numerous federal agencies have explicitly taken the position that incorporation by reference of materials into regulations does not destroy the copyright in those materials. ECF No. 118-2 (Pls.’ SMF) ¶ 177.</p>
<p>70. Mr. Malamud has been recognized by numerous government officials for his efforts to make government information freely accessible on the Internet. For example, Hon. Nancy Pelosi, Speaker of the House of Representatives, wrote to Mr. Malamud on April 17, 2008, stating: “I thank you for your work to increase public discourse on technology, public domain, and transparency issues and look forward to continuing to work with you.” Malamud Decl. ¶ 13. Hon. John Boehner, then Speaker of the House of Representatives, together with Representative Darrell Issa, Chair of the House Committee on Oversight and Government Reform, wrote to Mr. Malamud on January 5, 2011, stating: “We’re writing today to thank you for your nearly two decades of work to increase the availability of public data, and more recently your efforts to publish proceedings of the House Oversight and Government Reform Committee in their entirety,” and later recognized Public</p>	<p>Objection. This statement is unsupported to the extent that it relies upon inadmissible hearsay to prove the truth of the matter asserted. Mr. Malamud’s prior work experience is also irrelevant. Plaintiffs further object to selective quotes from the attached letters as incomplete. Plaintiffs object to PRO’s reference to receiving commendations from “many others” as vague and ambiguous. Plaintiffs further object to PRO’s reliance on PRO’s summaries of purported commendations under FRE 1002, to the extent that PRO fails to attach a writing, recording, or document to the declaration.</p> <p>Plaintiffs object to the extent PRO implies that the federal government approves of PRO’s posting any of the Works. Numerous federal agencies have explicitly taken the position that incorporation by reference of materials into regulations does not destroy</p>

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Resource from the floor of the House. Malamud Decl. ¶ 15. Mr. Malamud has also received commendations from Hon. Lee H. Rosenthal, Chair of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, and many others. Malamud Decl. ¶ 18.	the copyright in those materials. ECF No. 118-2 (Pls.' SMF) ¶ 177.
71. In addition to recognition from government officials, organizations have routinely recognized Mr. Malamud's efforts to make government information more accessible, including awards from Harvard University, the Society of Professional Journalists, the First Amendment Coalition, and the American Association of Law Libraries. Malamud Decl. ¶ 23.	Objection. Relevance. Plaintiffs further object to PRO's reliance on PRO's summaries of purported awards under FRE 1002 to the extent that PRO fails to attach any writing, recording, or document to the declaration. Plaintiffs object to PRO's characterizations of specific awards received "routinely recognize[ing] Malamud's efforts." As Plaintiffs noted in their opening brief, the Harvard Law Review disputed Mr. Malamud's rights to use the BlueBook without authorization. See Dkt. 200 n. 3.
B. Public Resource's Mission	
72. Public Resource is a non-profit charitable organization that provides online access to many kinds of government materials, from judicial opinions to video recordings of congressional hearings. Malamud Decl. ¶ 1. As part of this mission, Public Resource operates a website providing public access to the law, including statutes, judicial opinions, and public safety and other standards that federal and state governments have incorporated into law by reference. Dkt. 121-5. Public Resource also contributes its materials to the Internet Archive. <i>Id.</i> Public Resource aims to create a public collection of <i>government edicts</i> . Malamud Decl. ¶ 38; see generally http://www.public.resource.org/ . Public Resource does not limit, or charge for, access to its platform. Dkt. 121-5 ¶ 24. It does not display, or derive any revenue from,	Objection as to relevance of Mr. Malamud's or Public Resource's supposed subjective intent or "aims." As explained in Plaintiffs' briefing, fair use turns on how a work appears to a reasonable observer, not on the infringer's subjective intent. Reply at Part I.A.1.b. Objection. "Government edicts" is vague and ambiguous and requires a legal conclusion. Disputed to the extent it suggests that Plaintiffs' standards are themselves law or government-authored materials. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.

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advertising. It relies entirely on contributions and grants. Dkt. 121-5 ¶ 30.	Disputed to the extent it suggests that PRO posts Plaintiffs’ standards on PRO’s website.
<p>73. Public Resource promotes public discourse by making laws and regulations, including those incorporated by reference, more accessible. For example, by reformatting documents, Public Resource allows persons with visual disabilities to enlarge the text or use electronic text-to-speech readers to hear the text. Dkt. 121-5 ¶ 26. Similarly, Public Resource often translates images into scalable vector graphics for better enlargement. Malamud Decl. ¶ 27.. It uses optical character recognition and often painstakingly retypes documents into Hypertext Markup Language (“HTML”) and converts formulas to Mathematics Markup Language (“MML”). <i>Id.</i> This makes documents newly word-searchable and allows researchers to analyze them at large scale with techniques such as machine learning. <i>Id.</i></p>	<p>Objection. This statement is irrelevant. The D.C. Circuit has already rejected Defendant’s argument that converting works into a format more accessible for the visually impaired is a transformative use. <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018) (“[T]he district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards.”).</p> <p>Disputed to the extent PRO claims that it “promotes public discourse.” There is no evidentiary support for this claim or any claim as to how persons use PRO’s copies of the Works.</p> <p>Disputed. PRO cites no evidence to support its assertion that its postings of the Works have been used by researchers in any way, including to analyze them at large scale with techniques such as machine learning.</p> <p>Disputed that PRO “painstakingly retypes documents” to the extent that it suggests that it accurately or carefully retypes documents. PRO’s copies of documents, including of the Works, contain numerous mistakes. ECF No. 118-2 (Pls.’ SMF) ¶¶ 214-19; ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶¶ 13-20. PRO also hired Point.B Studio, which used children from a mentoring program whose target audience was 7- to 14-year-olds to convert formulas to MathML and drawings to SVG. ECF No. 118-2 (Pls.’ SMF) ¶ 199.</p>

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	<p>Disputed. PRO's assertion that its copying made documents "newly word-searchable" is unsupported by the record evidence. Plaintiffs' publish standards in a variety of formats, including searchable PDFs, HTML, and XML. <i>See</i> ECF No. 118-2 (Pls.' SMF) ¶¶ 57, 99, 157. Standards are also available through third-party subscription services that are fully text-searchable. O'Brien Decl. III ¶¶ 9-10.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law or government-authored materials. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p>
<p>74. Public Resource endeavors to post on its website only standards that have become a federal or state law or regulation through incorporation by reference. Malamud Decl. ¶ 38.</p>	<p>Objection as to relevance of Mr. Malamud's or Public Resource's supposed subjective intent.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law or government-authored materials. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p>
C. Public Resource's Litigation and Other Disputes	
<p>75. In January 2013, the Sheet Metal and Air Conditioning Contractors National Association (SMACNA) threatened Public Resource with litigation for posting the "HVAC Air Duct Leakage Test Manual," which was incorporated by reference into 10 CFR §</p>	<p>Objection. Relevance. PRO's characterization of being threatened with litigation by an entity not a party to this action regarding PRO's posting of materials not authored by Plaintiffs and not at issue in this case is irrelevant. Plaintiffs also object to the statement as hearsay.</p>

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434.403 as well as incorporated into state regulations. Malamud Decl., ¶ 33.	
76. Public Resource sued for declaratory relief in the U.S. District Court for the Northern District of California, Case 3:13-cv-00815. Malamud Decl., ¶ 34. On July 9, 2013 SMACNA agreed to a stipulated judgment in which it agreed no longer to threaten Public Resource or other parties for the posting of the four standards explicitly incorporated into the CFR, not to assert copyright in those documents, and to pay Public Resource a token one dollar. <i>See</i> Malamud Decl., ¶ 34, Ex. 27.	Objection. Relevance. PRO's discussion of litigation involving an entity not a party to this action regarding PRO's posting of materials not authored by Plaintiffs and not at issue in this case is irrelevant. Plaintiffs also object to the statement as hearsay.
77. When the State of Oregon objected to Public Resource's posting of the Oregon Revised Statutes, Carl Malamud spoke to the Legislative Counsel Committee, a joint committee of the Oregon Legislature chaired by the Speaker of the House and the Senate President. After hearing him and other witnesses, including the Legislative Counsel, the committee voted to abandon assertions of copyright over the Oregon Revised Statutes. <i>See</i> Malamud Decl., ¶ 24, Ex. 23.	Objection. Relevance. PRO's discussion of negotiations involving an entity not a party to this action regarding PRO's posting of materials not authored by Plaintiffs and not at issue in this case is irrelevant. Plaintiffs also object to the statement as hearsay.
78. Similarly, in 2012, after Public Resource posted the official Code of the District of Columbia, the General Counsel of the District of Columbia studied the situation and decided to produce a better web site for public access to the laws of the District of Columbia. The software is maintained by the non-profit Open Law Library and available at https://code.dccouncil.us/ . <i>See</i> Malamud Decl., ¶ 25.	Objection. Relevance. PRO's discussion of activities of an entity not a party to this action related to PRO's posting of materials not authored by Plaintiffs and not at issue in this case is irrelevant. Hearsay and lack of foundation/personal knowledge as to what the General Counsel of the District of Columbia studied or what software is maintained by Open Law Library.
79. The State of Georgia sued Public Resource for posting online the Official Code of Georgia Annotated. Malamud Decl., ¶ 26. That case concerns Georgia's only official law,	Objection. Relevance. PRO's discussion of litigation involving an entity not a party to this action related to PRO's posting of

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<p>which the state publishes as the “Official Code of Georgia Annotated” with annotations that the state has designated as “official.” The Eleventh Circuit held that Public Resource’s actions were lawful: it ruled the entire Code, with annotations, is a government edict not subject to copyright. <i>See Code Revision Commission v. Public.Resource.Org</i>, 906 F.3d 1229, 1233, 1244 (11th Cir. 2018). That case is now before the U.S. Supreme Court. <i>See State of Georgia v. Public.Resource.Org, Inc.</i>, U.S. Supreme Court Docket 18-1150. Malamud Decl., ¶ 26.</p>	<p>materials not authored by Plaintiffs and not at issue in this case is irrelevant.</p> <p>Improper opinion testimony regarding the supposed holding. The Eleventh Circuit’s ruling regarding Defendant’s posting of the Official Code of Georgia Annotated (law authored by the Georgia Legislature), as opposed to standards authored by private entities and allegedly incorporated by reference into law, is irrelevant. <i>See</i> ECF No. 195 at 1 (opposing a stay in this case on the basis that “<i>Georgia v. Public.Resource.Org</i> is unlikely to affect significantly the questions immediately before this Court, namely fair use and copyright ownership determinations based on the facts of this case.”).</p> <p>PRO’s description of the Eleventh Circuit’s holding is a legal conclusion and not a factual statement.</p>
<p>80. Mr. Malamud and Public Resource posted to the Internet Archive the version of the 2002 version of the National Electrical Safety Code (NESC) that the Indiana Supreme Court reviewed in <i>Bellwether Properties, LLC, v. Duke Energy Indiana, Inc.</i>, 87 N.E.3d 462, 468–69 (Ind. 2017), which is located at https://ia600704.us.archive.org/16/items/gov.law.ieee.c2.2002/ieee.c2.2002.pdf. Malamud Decl. ¶ 42. The metadata page for the 2002 version of the NESC indicates that it was “Uploaded by Public.Resource.Org,” <i>see</i> https://archive.org/details/gov.law.ieee.c2.2002 and https://ia600704.us.archive.org/16/items/gov.law.ieee.c2.2002/ieee.c2.2002.pdf_meta.txt. <i>Id.</i></p>	<p>Objection. Hearsay and lack of foundation/personal knowledge as to whether the Indiana Supreme Court reviewed PRO’s website. Defendant’s posting of the NESC, a code not authored by Plaintiffs and not at issue in this case, purportedly relied upon by the Indiana Supreme Court, is irrelevant.</p>

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VI. PUBLIC RESOURCE’S POSTING OF STANDARDS AT ISSUE	
<p>81. Public Resource has posted the incorporated standards at issue online. Dkt. 121-5 ¶ 15–19.</p>	<p>Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84. Disputed to the extent it suggests that PRO’s postings accurately and completely reproduce Plaintiffs’ standards without any errors.</p> <p>Plaintiffs do not dispute that PRO reproduced and displayed versions of the Works, although those versions introduced errors not present in the authentic Works.</p>
<p>82. A “reapproval” of an ASTM standard means that an older standard is re-evaluated and republished without any changes to its content. Becker Decl., ¶ 7, Ex. 40 (Smith Depo.) at 151:01–152:02.</p>	<p>Disputed. Defendant mischaracterizes the testimony, which states that when an ASTM standard is reapproved, there is “nothing technically significant” that differs from the previous version. ECF No. 204-46, Becker Decl. ¶ 7, Ex. 40 (Smith Depo.) at 151:01–152:02. Standards that have been reapproved without a technically significant change are indicated by the year of last reapproval in parentheses as part of the designation number (<i>e.g.</i>, C5-79 (1997) indicates that C5 was reapproved in 1997). ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 35.</p>
<p>83. As a public officer (but not as an NFPA employee), NFPA Vice President Donald Bliss has experienced confusion as to which version or edition of the code is in force in a jurisdiction because NFPA produces a number of different editions. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 215:13–23.</p>	<p>Disputed. Mr. Bliss testified that, during his time as a public officer, he had encountered other professionals who had confusion over which version of a code was in force. He neither testified that he experienced any such confusion himself, nor that any confusion was over which version of a standard developed by <i>NFPA</i>—or ASTM or ASHRAE—had been incorporated.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves “in</p>

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	force” or are law, which is a legal conclusion.
<p>84. Each standard at issue on Public Resource’s websites was incorporated by reference into law. Dkt. 121-5 ¶ 23; Pls. Mem. 9. A small minority of the ASTM standards that Public Resource posted were not the precise edition that is mentioned in the C.F.R. Often this is because Public Resource posted an identical reissue of the standard where it could not obtain the precise edition that was cited. But in several instances, the editions Public Resource posted may have minor editorial differences, or rarely a substantive difference. For a complete listing of the standards at issue, citations to the incorporation, and excerpts of the incorporating language, <i>see</i> the IBR Reference Tables at Becker Decl. ¶¶ 56-58, Exs. 89-91.</p>	<p>Objection. The statement is unsupported by the cited evidence.</p> <p>Plaintiffs also object to PRO’s misleading reliance on Pls.’ Mem. at 9 as evidence, to the extent it relies on Plaintiffs’ quoting of PRO’s own self-serving and unsupported response to PRO’s response to interrogatories. Plaintiffs likewise object to Dkt. 121-5 ¶ 23 (Malamud Decl.), which does not support the statement that each of the 217 standards at issue in this lawsuit has been incorporated by reference, and merely states that “73 of the documents on the Public Resource web site” that Malamud posted in 2012 appeared in the Standards Incorporated by Reference (“SIBR”) database. That is not sufficient to establish an IBR. To the extent PRO relies on Malamud’s testimony for the proposition that standards incorporated by reference constitutes the law, Plaintiffs object that this is improper expert testimony by a lay witness; Malamud’s opinions on this issue are irrelevant.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law.</p> <p>Disputed to the extent that PRO asserts that “Each standard that Public Resource posts is incorporated into law <i>in its entirety</i>” or in many cases at all. This is a legal conclusion and is unsupported by the undisputed record evidence. PRO admits that “when attempting to post the relevant law, Public Resource accidentally posted an edition of an ASTM standard that was not the precise edition listed in the C.F.R. incorporating</p>

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	<p>language.” ECF No. 203-1, Opp. 6 n.3. PRO ignores numerous examples where it has incorporated the wrong version of an ASTM standard or where the relevant regulation only incorporates a portion of ASTM’s standards. <i>See</i> ECF No. 155-3, Pls.’ Response to PRO Disputed Facts ¶¶ 36-43.</p> <p>Disputed to the extent PRO implies that such errors are immaterial.</p> <p>Plaintiffs objects to Defendant’s Exhibits 89-91 as irrelevant to the extent that they address ASTM Standards that are not the subject of this motion and legal analyses (not facts).</p> <p>PRO relies on its chart of citations to the incorporation, and excerpts of the incorporating language, for the proposition that some version of the C.F.R. previously incorporated at least a similar version of the Works that PRO reproduced and displayed on its website. However, PRO’s Exhibits 89-91 fail to support PRO’s statement of fact. <i>See</i> Wise Decl. II, Exs. 175, 176, 186 (Responsive Charts).</p> <p>With respect to more than 20% of ASTM Works, PRO identified a citation to the C.F.R. that was not promulgated until years after PRO posted the standards. This means that (1) PRO did not rely on those incorporations when it posted the standards; and (2) at a minimum, PRO has no defense for its infringement from the time it posted the standards until the IBR it identifies (and even then, for the reasons Plaintiffs’ explain, PRO’s wholesale copying is not fair use). Wise Decl. II ¶ 4, Ex. 176.</p>

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	<ul style="list-style-type: none"> • PRO Ex. 90 at 40, PRO reproduced and displayed D1298-99, PRO asserts that D1298-99 (2005) was incorporated by 40 C.F.R. § 600.011 (2013); • PRO Ex. 90 at 42, PRO asserts D1335-67 (1972) was incorporated by 24 C.F.R. § 200.942 (2015); • PRO Ex. 90 at 43, PRO reproduced and displayed D1518-85 (1998)e1, PRO asserts <i>D1518-85 (1990)</i> was incorporated by 46 C.F.R. § 160.174-3 (2014); • PRO Ex. 90 at 44, PRO asserts D1535-89 was incorporated by 7 C.F.R. § 1755.910 (2014); • PRO Ex. 90 at 48, PRO asserts that D1945-96 was incorporated by 41 C.F.R. § 60.17 (2019); • PRO Ex. 90 at 50, PRO asserts that D2015-96 was incorporated by 40 C.F.R. § 60.17 (2015); • PRO Ex. 90 at 51, PRO asserts that D2216-98 was incorporated by 40 C.F.R. § 258.41 (2014); • PRO Ex. 90 at 62, PRO asserts that D3236-88 (1999) was incorporated by 21 C.F.R. § 177.1520 (2013); • PRO Ex. 90 at 64, PRO asserts that D3371-95 was incorporated by 40 C.F.R. 136.3 (2014); • PRO Ex. 90 at 65, PRO reproduced and displayed D3697-92 (1996), PRO asserts that <i>D3697-92</i> was incorporated by reference in 21 C.F.R. § 165.110 (2015); • PRO Ex. 90 at 69, PRO Asserts that D4268-93 was incorporated by 33 C.F.R. § 164.03 (2014);

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	<ul style="list-style-type: none"> • PRO Ex. 90 at 70, PRO asserts that D4329-99 was incorporated by 49 C.F.R. § 571.5 (2014); • PRO Ex. 90 at 71, PRO asserts that D4809-95 was incorporated by 40 C.F.R. § 61.18 (2014); • PRO Ex. 90 at 72, PRO asserts that D4986-98 was incorporated by 46 C.F.R. § 31.01-1 (2014); • PRO Ex. 90 at 74, PRO reproduced and displayed D5489-96a, PRO asserts <i>D5489-96c</i> was incorporated by 16 C.F.R. § 423.8 (2014); • PRO Ex. 90 at 76, PRO reproduced and displayed D611-82 (1998), PRO asserts <i>D611-82</i> was incorporated by 21 C.F.R. § 176.170 (2014); • PRO Ex. 90 at 77, PRO asserts that D6420-99 was incorporated by 40 C.F.R. § 63.14 (2019); • PRO Ex. 90 at 78, PRO asserts that D665-98 was incorporated by reference at 46 C.F.R. § 61.03-1 (2014); • PRO Ex. 90 at 79, PRO asserts D86-07 was incorporated by reference in 40 C.F.R. § 80.47(r) (2017); • PRO Ex. 90 at 81, PRO asserts E11-95 was incorporated by reference in 33 C.F.R. § 159.4 (2014); • PRO Ex. 90 at 85, PRO asserts E185-82 was incorporated by reference in 10 C.F.R. § 50 App. H (2014); • PRO Ex. 90 at 88, PRO reproduced and displayed E408-71, PRO asserts that <i>E408-71 (2002)</i> was incorporated by reference in 16 C.F.R. § 460.5 (2014);

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<ul style="list-style-type: none"> • PRO Ex. 90 at 92, PRO asserts E773-97 was incorporated by reference in 24 C.F.R. § 3280.4 (2014); • PRO Ex. 90 at 92, PRO asserts E774-97 was incorporated by reference in 24 C.F.R. § 3280.4 (2014); • PRO Ex. 90 at 93, PRO reproduced and displayed E775-87 (1992), PRO asserts that <i>E775-87 (2004)</i> was incorporated by reference in 40 C.F.R. § 49.123 (2014); • PRO Ex. 90 at 94, PRO asserts E96-95 was incorporated by reference in 24 C.F.R. § 3280.4 (2014); • PRO Ex. 90 at 95, PRO asserts F1003-86 (1992) was incorporated by reference in 46 C.F.R. § 199.05 (2014); • PRO Ex. 90 at 96, PRO asserts F1014-92 was incorporated by reference in 46 C.F.R. § 199.05 (2014); • PRO Ex. 90 at 98, PRO reproduced and displayed F1121-87 (1998), PRO asserts <i>F1121-87 (2010)</i> was incorporated by reference in 46 C.F.R. § 193.01-3 (2014); • PRO Ex. 90 at 98, PRO reproduced and displayed F1121-87 (1998), PRO asserts <i>F1121-87 (1992)</i> was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 100, PRO asserts F1155-98 was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 101, PRO reproduced and displayed F1193-06, PRO asserts that <i>E1193-97 (2004)</i> was incorporated by reference in 40 C.F.R. § 799.5087 (2014); • PRO Ex. 90 at 105, PRO reproduced and displayed F1273-91 (1996)e1, PRO

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>asserts that <i>F1273-91 (2007)</i> was incorporated by reference in 33 C.F.R. § 154.106 (2014);</p> <ul style="list-style-type: none"> • PRO Ex. 90 at 105, PRO reproduced and displayed F1273-91 (1996)e1, PRO asserts that <i>F1273-91 (2007)</i> was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 108, PRO asserts F1951-99 was incorporated by reference in 36 C.F.R. § 1191 App. B (2014); • PRO Ex. 90 at 110, PRO asserts F631-93 was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 112, PRO asserts F715-95 was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 113, PRO reproduced and displayed F722-82 (1988), PRO asserts <i>F722-82 (2008)</i> was incorporated by reference in 33 C.F.R. § 154.106 (2014); • PRO Ex. 90 at 114, PRO asserts G151-97 was incorporated by reference in 49 C.F.R. § 571.5 (2014); • PRO Ex. 90 at 115, PRO reproduced and displayed G154-2000a, PRO asserts <i>G154-00</i> was incorporated by reference in 49 C.F.R. § 571.5 (2014); and • PRO Ex. 90 at 115, PRO asserts G21-90 was incorporated by reference in 7 C.F.R. § 1755.910 (2014). <p>Additionally, for 56 ASTM Works, PRO identified a citation to a version of the C.F.R. that had been amended to eliminate reference to the ASTM Work at issue or to incorporate a different standard before PRO posted the Works (and was therefore not an effective</p>

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>regulation at the time PRO posted the Works). Wise Decl. II ¶ 4, Ex. 176.</p> <ul style="list-style-type: none"> • PRO Ex. 90 at 1-12, 15-19, 33-34, 36, 89-90, 109, PRO asserts that A184-79, A185-79, A242-79, A307-78e, A325-79, A36-77ae, A441-79, A449-78a, A490-79, A496-78, A497-79, A500-78, A501-76, A502-76, A514-77, A570-79, A572-79, A588-79a, A611-72 (1979), A615-79, A616-79, A617-79, A82-79, C5-79 (1997), C516-80 (1996)e1, C564-70 (1982), E424-71, E606-80, E695-79 (1997)e1, and F462-79 (1999) were incorporated by reference in 24 C.F.R. Parts 200 to 499 (2005). That regulation was amended in 2009 to eliminate reference to these ASTM Works and/or incorporate different ASTM standards. • PRO Ex. 90 at 1, PRO asserts that A106 / A106 M-04b was incorporated by reference in 49 C.F.R. § 192.7 (2010). That regulation was amended in 2011 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 14, PRO asserts that A539-90a was incorporated by reference in 24 C.F.R. § 3280.4 (2004). That regulation was amended in 2007 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 24, PRO asserts that B21-83b was incorporated by reference in 46 C.F.R. § 56.01-2 (1996-2008). That regulation was amended in 2000 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s).

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<ul style="list-style-type: none"> • PRO Ex. 90 at 29, PRO asserts that B85-84 was incorporated by reference in 46 C.F.R. § 56.01-2 (1997). That regulation was amended in 2000 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 31, 33, PRO asserts that C150-99a and C330-99 were incorporated by reference in 30 C.F.R. § 250.198 (2007). That regulation was amended in 2010 to eliminate reference to these ASTM Works and/or to incorporate a different ASTM standards. • PRO Ex. 90 at 39, PRO asserts that D1266-98 was incorporated by reference in 40 C.F.R. § 1065.1010 (2005). That regulation was amended in 2006 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 51, PRO asserts that D2163-91 (1996) was incorporated by reference in 40 C.F.R. § 1065.1010(a) and Table 1 (2003-2008). Those regulations were amended in 2008 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 59, PRO asserts that D3120-96 was incorporated by reference in 40 C.F.R. § 80.580(b) (2001-2003). That regulation was amended in 2004 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 74, PRO asserts that D5373-93 (1997) was incorporated by reference in 40 C.F.R. § 75.6 (2004). That regulation was amended in 2008 to

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s).</p> <ul style="list-style-type: none"> • PRO Ex. 90 at 79, PRO asserts that D814-95 was incorporated by reference in 40 C.F.R. § 1051.810 (2007). That regulation was amended in 2008 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 86, 95, 97, 99-100, 103-104, 111, PRO asserts that E23-82, F1006-86 (1997), F1120-87 (1998), F1123-87 (1998), F1139-88 (1998), F1172-88 (1998), F1199-88 (1998), F1200-88 (1998), F1201-88 (1998), and F682-82a (1988) were incorporated by reference in 46 C.F.R. § 56.01-2 (1997). That regulation was amended in 2000 to eliminate reference to these ASTM Work and/or to incorporate different ASTM standards. • PRO Ex. 90 at 90, PRO asserts that E681-85 was incorporated by reference in 49 C.F.R. § 171.7 (2002). That regulation was amended in 2004 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 106, PRO asserts that F1323-98 was incorporated by reference in 46 C.F.R. § 63.05-1 (2005). That regulation was amended in 2008 to eliminate reference to this ASTM Work and/or to incorporate a different ASTM standard(s). • PRO Ex. 90 at 111, 114, PRO asserts that F631-80 (1985) and F808-83 (1988) were incorporated by reference in 33 C.F.R. § 154.106 (1999). That regulation

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>was amended in 2009 to eliminate reference to these ASTM Works and/or to incorporate different ASTM standards.</p> <ul style="list-style-type: none"> • PRO Ex. 90 at 112, PRO asserts F715-81 (1986) was incorporated by reference in 33 C.F.R. § 154.106 (1997-2008). That regulation was amended in 2009 to eliminate reference to these ASTM Works and/or to incorporate different ASTM standards. <p>Accordingly, even at the time PRO reproduced and displayed numerous ASTM's Works, no regulation identified by PRO incorporated the standard PRO posted.</p> <p>Disputed to the extent PRO intends to use this paragraph or Exhibits 89-91 to the Declaration of Matthew Becker to support its claim that "federal law has incorporated by reference every one of the documents at issue here at least once," Opp. 6, or that "[t]he federal government has incorporated into law every entire standard at issue." Opp. 8. For the reasons explained in Plaintiffs' briefing, that claim fails both legally and factually. Reply Br. Part. I.A.1.a. Moreover, the exhibits that PRO has produced do not support the claim; Exhibit 91 does not identify any federal regulation that incorporates any part of NFPA 1 (2003), NFPA 1 (2006), or NFPA 54 (2006). Ex. 91 at 1, 5. Exhibit 91 identifies 24 C.F.R. § 3285.4 (2013) as incorporating NFPA 70 (2008), but, as the "text of incorporation" column shows, that regulation refers to the 2005 edition of NFPA 70, not the 2008 edition, Ex. 91 at 8; Exhibit 91 does not identify any other federal regulation that purportedly incorporates NFPA 70 (2008). See Wise Decl. II, Ex. 175.</p>

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<p>85. Nearly all of the standards at issue were promulgated as private industry standards several years before being incorporated into law by government agencies. <i>See, e.g.</i>, ASTM D396-1998 "Standard Specification for Fuel Oils", incorporated into reference into law at 41 C.F.R. § 60.17 (2011); Dkt. 120, Ex. 153</p> <p>[REDACTED]</p>	<p>This is a legal conclusion, not a fact.</p> <p>Disputed to the extent it implies that incorporation by reference of a standard makes the standard itself law. Disputed to the extent it characterizes Plaintiffs' standards as private industry standards. They are voluntary consensus standards. ECF No. 118-2 (Pls.' SMF) ¶¶ 8-9, 95, 130. Disputed that "nearly all" of the standards at issue that were developed by NFPA and ASHRAE had existed for many years before they were incorporated by reference. Defendant offers no evidence supporting this proposition and it is not true. <i>E.g.</i>, N.D. Admin. Code 24.1-06-03-01 (IBR of 2017 NEC, effective April 1, 2017)</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Objection as to foundation and relevance with respect to reliance on an [REDACTED]</p> <p>[REDACTED]</p>
<p>86. Public Resource posted some of the incorporated standards at issue in standard Web formats. Dkt. 121-5 ¶ 24-27; ECF No. 117-1 (Jarosz Rep.) ¶ 35.</p>	<p>Vague as to what constitutes as "standard Web format."</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p>

DEFENDANT’S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS’ RESPONSE
	<p>Disputed to the extent it suggests that PRO’s postings accurately and completely reproduce Plaintiffs’ standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>
<p>87. Public Resource posted the incorporated standards at issue using Hypertext Markup Language (HTML), Mathematics Markup Language (MathML), and Scalable Vector Graphics (SVG). Over time, Public Resource used contractors to assist in transforming the standards into HTML format. Two people independently type out most of the standards on Public Resource’s websites and compare any discrepancies between their versions to confirm the accuracy of the transcription in a process called “double-keying.” Public Resource’s contractor also worked to convert the diagrams into Scalable Vector Graphics (“SVG”) and the mathematical formulae into Mathematics Markup Language (“MathML”). Dkt. 121-5 ¶ 25.</p>	<p>Disputed that the conversion of standards into HTML or other formats was transformative. The cited evidence is irrelevant. The D.C. Circuit considered and rejected this argument. <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018) (citing <i>Am. Geophysical Union v. Texaco Inc.</i>, 60 F.3d 913, 923–24 (2d Cir. 1994) (holding that photocopying articles “into a form more easily used in a laboratory” does not constitute transformative use but acknowledging “the benefit of a more usable format”)).</p> <p>Disputed as to the process Defendant’s contractor used to convert the standards into HTML format. The contractor testified that it used optical character recognition to extract text unless the image quality of the document was poor. ECF No. 118-2 (Pls.’ SMF) ¶ 192.</p> <p>Disputed to the extent that it suggests that PRO used professional “contractors” to do the conversion of diagrams and formulas. “Public Resource’s contractor” (i.e., Mr. Malamud’s wife’s unincorporated business) used children in an after-school program to convert diagrams into SVG format and formulas into MathML, which was advertised as targeting children aged 7 to 14. ECF No. 118-2 (Pls.’ SMF) ¶ 199.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law.</p>

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent PRO suggests that it posted all of the Works in HTML format. Wise Decl. II ¶ 2, Ex. 174, at Interrog. 2.</p> <p>Disputed to the extent it suggests that PRO's postings accurately and completely reproduce Plaintiffs' standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>
<p>88. Hypertext Markup Language (HTML), Mathematics Markup Language (MathML), and Scalable Vector Graphics (SVG) permit users to perform software-based searching and analysis. Dkt. 121-5 ¶ 25.</p>	<p>Undisputed.</p>
<p>89. Public Resource does not restrict the public from viewing any of the incorporated standards at issue on its websites. Dkt. 121-5 ¶ 23.</p>	<p>Disputed to the extent it suggests that PRO's postings of the Works are available on PRO's website, rather than on the Internet Archive.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law.</p> <p>Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that PRO's postings accurately and completely reproduce Plaintiffs' standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>
<p>90. Public Resource does not require people to log in to its website before viewing any of the</p>	<p>Disputed to the extent it suggests that PRO's postings of the Works are available on</p>

DEFENDANT’S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS’ RESPONSE
<p>incorporated standards at issue on its websites. Dkt. 121-5 ¶ 23.</p>	<p>PRO’s website, rather than on the Internet Archive.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that PRO’s postings accurately and completely reproduce Plaintiffs’ standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>
<p>91. Public Resource does not require people to pay Public Resource before viewing any of the incorporated standards at issue on its websites. Dkt. 121-5 ¶ 23.</p>	<p>Disputed to the extent it suggests that PRO’s postings of the Works are available on PRO’s website, rather than on the Internet Archive.</p> <p>Disputed to the extent it suggests Plaintiffs require payment from individuals who access the read-only versions on their websites.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that PRO’s postings accurately and completely reproduce Plaintiffs’ standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>

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<p>92. The Public Resource websites are directed at researchers and engaged citizens. Dkt. 121-5 ¶ 4, 26.</p>	<p>Objection as to relevance of Mr. Malamud's or Public Resource's supposed subjective intent. Objection as to the relevance, as PRO does not currently post its versions of Plaintiffs' standards on its website.</p> <p>Disputed. Defendant's websites are accessible by the general public and Defendant has both disavowed any desire to know who uses the versions of standards it posts and has no ability to identify who has downloaded, made additional copies of, or printed the versions of Plaintiffs' standards from its website. ECF No. 118-2 (Pls.' SMF) ¶ 248.</p>
<p>93. Public Resource's stated purpose for providing an archive or laws and other government documents on its websites is to bolster the public's ability "to know and speak the law." Dkt. 121-5 ¶ 28 (https://law.resource.org/pub/12tables.html).</p>	<p>Objection. Defendant's stated purpose is irrelevant. As explained in Plaintiffs' briefing, fair use turns on how a work appears to a reasonable observer, not on the infringer's subjective intent. Reply at Part I.A.1.b.</p> <p>Hearsay to the extent that the out of court statements are relied upon to prove the truth of the matters asserted.</p> <p>Disputed to the extent it suggests that PRO's postings of the Works are available on PRO's website, rather than on the Internet Archive.</p>
<p>94. Plaintiffs sell copies of the incorporated standards at issue. Thomas Decl. ¶ 44, ECF No. 118-11; Pauley Decl. ¶ 44, ECF No. 118-8; Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 104:21–106:23.</p>	<p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Plaintiffs do not dispute that they sell the Works.</p>

<p>DEFENDANT’S SECOND SUPPLEMENTAL STATEMENT OF FACT</p>	<p>PLAINTIFFS’ RESPONSE</p>
<p>95. Public Resource’s versions of the incorporated standards at issue are accessible to the print-disabled. People who are print-disabled can use screen reader software to read and navigate the HTML versions of the standards. James Fruchterman, Public Resource’s expert on accessibility, concluded that “a blind person using a screen reader” can “read the standard . . . navigate to a specific place in the document . . . and search for key terms.”). Mr. Fruchterman also observed that “standard HTML” as used by Public Resource “is also highly accessible to people with other print disabilities and the assistive technology they use to access print,” such as people with “vision impairment, dyslexia, brain injury and physical disabilities.” Becker Decl. ¶ 62, Ex. 96 (Fruchterman Rep. 5–7); ¶ 17, Ex. 50 (R. Malamud Depo. 233:15–234:7); Becker Decl., ¶ 6, Ex. 39 (Fruchterman Depo.) at 125:10–11.</p>	<p>Objection. The statement’s discussion of access for individuals with visual disabilities is irrelevant as the D.C. Circuit previously held that “the district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards.” <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p> <p>Disputed. Mr. Fruchterman admitted he could not opine that a visually disabled person would actually be able to use the HTML versions of Plaintiffs’ standards posted on Defendant’s website. ECF No. 155-1 (Pls.’ Supp. SUMF) ¶ 4 (Fruchterman Depo. 175:5-176:9, 218:3-23). Mr. Fruchterman also acknowledged that he had asked a visually disabled person to evaluate the PDF versions of Plaintiffs’ standards that were posted on Defendant’s website, and that person informed him that those documents could not be considered to be accessible. ECF No. 155-1 (Pls.’ Supp. SUMF) ¶ 5 (Fruchterman Depo. 256:12-259:6). In addition, the documents posted on Defendant’s website are not the standards at issue. They are Defendant’s mistake-laded creations. ECF No. 118-2 (Pls.’ SMF) ¶¶ 182-185, 188-201.</p>
<p>96. Plaintiffs’ versions of the incorporated standards at issue online are not as accessible to the print-disabled as Public Resource’s versions of those standards. None of the Plaintiffs provide free electronic access to standards incorporated into law for people with disabilities. For example, NFPA’s website requires visitors to register before viewing the</p>	<p>Objection. The cited evidence is irrelevant and its probative value is substantially outweighed by the unfair prejudice to Plaintiffs. The D.C. Circuit previously held that “the district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for</p>

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<p>standards, and its registration process cannot be completed by blind users. None of the Plaintiffs provides machine-readable text of the incorporated standards through their free reading portals. They provide only “a picture of the text,” which causes screen-reading software to “stop working.” Nor do the Plaintiffs’ websites provide any means for disabled visitors to search or navigate the documents. Thus, “Public.Resource.Org currently provides the only accessible option for people/citizens with print disabilities to access these standards.” Becker Decl., ¶ 6, Ex. 39 (Fruchterman Depo.) at 43:21–23; 112:1–8; 133:5; 143:10–14; 165:17–166:7; 167:8; 205:2–13; Becker Decl. ¶ 62, Ex. 96 (Fruchterman Rep. 5–13); Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 220:1–221:25; ¶ 2, Ex. 4 (Bliss Ex. 1003); Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 20:22; 44:1–46:25.</p>	<p>the visually impaired or that it was producing a centralized database of all incorporated standards.” <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p> <p>Disputed to the extent the statements relates to people with non-print disabilities. To protect their copyrighted standards from exposure to mass copying, Plaintiffs have provided versions of their standards on their reading rooms that provide read-only access. <i>See, e.g.</i>, ECF No. 204-51, Ex. 45 (Grove Depo.) at 110:8-23; ECF No. 204-47, Ex. 41 (Dubay Depo.) 77:21-78:4; ECF No. 204-50, Ex. 44 (Comstock Depo.) at 10:23-11:3. There is no evidence that Plaintiffs placed any purposeful restriction on the use of screen readers by people with print disabilities on their reading rooms. To the extent a screen reader requires the ability to do more than read from an image of the standard on the screen, it is undisputed that the screen reader will not be able to read the versions of Plaintiffs’ standards on their reading rooms. Mr. Fruchterman admitted he could not opine that a visually disabled person would actually be able to use the HTML versions of Plaintiffs’ standards posted on Defendant’s website. ECF No. 155-1 (Pls. Suppl. SUMF) ¶ 4 (Fruchterman Depo. 175:5-176:9, 218:3-23). Mr. Fruchterman also acknowledged that he had asked a visually disabled person to evaluate the PDF versions of Plaintiffs’ standards that were posted on Defendant’s website, and that person informed him that those documents could not be considered to be accessible. ECF No. 155-1 (Pls. Suppl. SUMF) ¶ 5 (Fruchterman Depo. 256:12-259:6).</p>

DEFENDANT'S SECOND SUPPLEMENTAL STATEMENT OF FACT	PLAINTIFFS' RESPONSE
	<p>ASTM is not aware of any visually impaired person who has informed ASTM that he/she was having difficulty accessing an ASTM standard due to a print disability. If a visually impaired person requested access to an ASTM standard due to a print disability, ASTM would provide a copy of the relevant standard in a format that accommodated the person's disability at no additional cost to the requester. ECF No. 155-1 (Pls. Suppl. SUMF) ¶ 8 (citing O'Brien Suppl. Decl. ¶ 17.)</p> <p>Mr. Fruchterman testified that the 2014 edition of the NEC is available on Mr. Fruchterman's company's online library for the visually impaired website. ECF No. 155-1 (Pls. Suppl. SUMF) ¶ 3 (Fruchterman Depo. 209:18-213:23). There is no evidence that the other standards at issue are unavailable on that or similar websites for the visually impaired.</p> <p>NFPA has a commitment to make accommodations for persons with disabilities to access NFPA materials. For each request by a visually impaired individual for access to an NFPA standard, NFPA has responded by providing that individual with a copy they can use at no charge. ECF No. 155-1 (Pls.' Suppl. SUMF) ¶ 9. NFPA is not aware of any other individuals who have requested and not received an accommodation. ECF No. 155-1 (Pls.' Suppl. SUMF) ¶ 10.</p>
<p>97. Downloading an incorporated standard allows more flexibility for using and sharing that standard. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 215:9–15; 215:21–216:1.</p>	<p>Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that the inability to download a standard would prevent use of the standard. Undisputed that</p>

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	the ability to download a standard makes it easier to share that standard.
<p>98. It is not Public Resource's intention to make copies that are similar to the standards actually sold by ASTM available on its website because they post standards that have been explicitly and specifically incorporated by reference into federal or state law. Dkt. 121-5 ¶ 4-15.</p>	<p>Objection as to relevance of PRO's supposed subjective intent. As explained in Plaintiffs' briefing, fair use turns on how a work appears to a reasonable observer, not on the infringer's subjective intent. Reply at Part I.A.1.b.</p> <p>Vague and ambiguous in its entirety.</p> <p>Disputed to the extent it suggests that Defendant has not made copies of standards that ASTM sells available on its website.</p>
<p>99. Public Resource posted the incorporated standards at issue to inform citizens about the content of the law. Dkt. 121-5 ¶ 4.</p>	<p>Objection as to relevance of Public Resource's supposed subjective intent. As explained in Plaintiffs' briefing, fair use turns on how a work appears to a reasonable observer, not on the infringer's subjective intent. Reply at Part I.A.1.b.</p> <p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it implies PRO places any restrictions on access to the copies of Plaintiffs' Works that it posts online to only citizens interested in the contents of the law or for any educational purpose. PRO does not prevent individuals from downloading, printing, and making derivative works. ECF No. 118-2 (Pls.' SMF) ¶ 221-22.</p>
<p>100. Public Resource posted the incorporated standards at issue on its website in formats</p>	<p>Objection as to relevance of Public Resource's supposed subjective intent. As explained in Plaintiffs' briefing, fair use</p>

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<p>meant to increase citizen access to the law. Dkt. 121-5 ¶ 26.</p>	<p>turns on how a work appears to a reasonable observer, not on the infringer’s subjective intent. Reply at Part I.A.1.b.</p> <p>Disputed to the extent it suggests that Plaintiffs’ standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that citizens did not have access to Plaintiffs’ standards prior to Defendant’s posting their infringing copies. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. Plaintiffs provide read-only access to the Works—excluding certain of the Works that are not incorporated by reference as claimed by PRO—on their websites, and sometimes linked through other websites, such as local and state government websites. <i>See</i> ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85.</p>
<p>101. Public Resource posted the incorporated standards at issue for the purpose of transforming the information in the standards by making that information accessible to people who did not necessarily have access to that information before. Dkt. 121-5 ¶ 35.</p>	<p>Objection as to relevance of Public Resource’s supposed subjective intent. As explained in Plaintiffs’ briefing, fair use turns on how a work appears to a reasonable observer, not on the infringer’s subjective intent. Reply at Part I.A.1.b. Further, the D.C. Circuit previously held that “the district court properly rejected some of PRO’s arguments as to its transformative use—for instance, that PRO was converting the works into a format more accessible for the visually impaired or that it was producing a centralized database of all incorporated standards.” <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 450 (D.C. Cir. 2018).</p>

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	<p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p> <p>Disputed to the extent it suggests that citizens did not have access to Plaintiffs' standards prior to Defendant's posting their infringing copies. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. Plaintiffs provide read-only access to the Works—excluding certain of the Works that are not incorporated by reference as claimed by PRO—on their websites, and sometimes linked through other websites, such as local and state government websites. <i>See</i> ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶ 85.</p> <p>Disputed. Defendant has not transformed the information in the standards. Plaintiffs make their standards accessible to the general public. ECF No. 118-2 (Pls.' SMF) ¶¶ 57-69, 99-103, 157-62.</p> <p>Disputed to the extent it suggests that Defendant posted the standards to provide access for the visually impaired. There is no evidence to support that suggestion.</p>
102. Public Resource does search engine optimization so that the standards are accurately described in search engine results. Dkt. 121-5 ¶ 29.	Disputed to the extent it suggests this is Defendant's only purpose in using search engine optimization. ECF No. 118-2 (Pls' SUMF) ¶¶ 225-26.
VII. PLAINTIFFS' LIMIT USE OF THE STANDARDS	
103. ASTM gives government bodies like the U.S. Geological Survey and the State of Georgia, fellow standards development	Objection. This statement and the cited evidence are irrelevant because there is no

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<p>organizations like NFPA, IAPMO, and ICC, and favored corporations liberal permission to copy standards in both paper and electronic format, and to use excerpts from standards in other documents. Dkt. 122-7, Exs. 107, 108, 109; 110, 111, and 112.</p>	<p>evidence that these statements relate to any of the standards at issue.</p> <p>Disputed. ASTM routinely grants permission to researchers, academics and others to reproduce its standards at no cost for non-commercial purposes. ECF No. 118-2 (Pls.' SMF) ¶ 68.</p>
<p>104. ASTM regularly refuses to give similar permissions to graduate students, universities, libraries, and smaller businesses. Dkt. 122-7 Exs. 113, 115, 116, 117, 120; Dkt. 122-8 Exs. 130, 131.</p>	<p>Objection. This statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue. In addition, there is no evidence supporting the proposition that the cited requests are "similar" to the previously mentioned requests.</p> <p>Disputed. ASTM routinely grants permission to researchers, academics and others to reproduce its standards at no cost for non-commercial purposes. ECF No. 118-2 (Pls.' SMF) ¶ 68. ASTM denies permission to use its standards when the requester seeks to post the standard on a public website with no reasonable time limit and/or with no limitation on the number of people who can access it. <i>See</i> Def. Exs. 113, 115, 117, 120, 130; <i>see also</i> O'Brien Suppl. Decl. ¶ 16. ASTM may also, as it entitled to do under copyright law, deny permission to a party requesting to make a copy of a complete standard or to make a derivative work based on an ASTM standard. <i>See</i> Def. Ex. 116.</p>
<p>105. ASTM gave the structural engineering firm SGH, "a big supporter of ASTM," permission to excerpt a number of figures and tables from a standard. Dkt. 122-7, Ex. 112.</p>	<p>Objection. This statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue.</p>
<p>106. ASTM refused to allow an engineering student at the University of Pennsylvania to use</p>	<p>Objection. This statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue.</p>

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“photographs and figures” from another standard in a case study. Dkt. 122-7, Ex. 117.	Disputed. ASTM denies permission to use its standards when the requester seeks to post the standard on a public website. Unlike the requested license in ¶ 105, this student was requesting permission to include the standard in an article that would be “posted online through wikispaces.” <i>See</i> ECF No. 122-7, Def. Ex. 117.
107. When an ASTM employee wrote that “we typically do not provide figures [from standards] for reproduction purposes,” John Pace, ASTM’s Vice President of Publications and Marketing, responded that ASTM has a “triple standard” here on considerations for such requests,” and that the owner of a chemical company, Sheldon Dean, who was “platinum level” because of his “connection status” with ASTM committees, should be given permission to use excerpts from an ASTM standard in a forthcoming book. Dkt. 122-7, Ex. 119.	<p>Objection. This statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue.</p> <p>Objection to the extent the quotations imply that ASTM only grants permissions to individuals with a connection to ASTM committees. The email also states that “the fact that such figures are extracted from various standards so the potential impact on any one [standard] is significantly reduced.” Dkt. 122-7, Ex. 119 at ASTM091243.</p> <p>Disputed to the extent it suggests that citizens did not have access to Plaintiffs’ standards prior to Defendant’s posting their infringing copies. Standards are only eligible to be incorporated by reference if they are reasonably available. 1 C.F.R. § 51.7. Plaintiffs provide read-only access to the Works—excluding certain of the Works that are not incorporated by reference as claimed by PRO—on their websites, and sometimes linked through other websites, such as local and state government websites. <i>See</i> ECF No. 198-3 (Pls.’ 2d. Supp. SMF) ¶ 85.</p>
108. ASTM refused to allow Columbia Analytical to reproduce several abstracts from an ASTM standard. Dkt. 122-7, Ex. 120.	Objection. This statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue.

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	Disputed. ASTM denies permission to use its standards when the requester seeks to post the standard on a public website. ASTM denied a request to post abstracts on a publicly available website. <i>See</i> ECF No. 122-7, Def. Ex. 120; <i>see also</i> ECF No. 118-7, O’Brien Suppl. Decl. ¶ 16.
109. ASTM has a policy against permitting the posting of ASTM standards on the public internet. Dkt. 122-9, Ex. 144.	Disputed. ASTM posts many of its own standards on the public internet. ECF No. 118-2 (Pls.’ SMF) ¶¶ 63-64, 66. ASTM does not allow third parties to post ASTM standards on the public internet. <i>See, e.g.</i> , ECF No. 122-7, Def. Ex. 113.
110. ASTM did not permit a person in the UK to post the information in the ASTM D2000-12 standard. Dkt. 122-9, Ex. 145.	Objection. Relevance. This standard is not at issue in this litigation.
111. Plaintiffs’ assertion of copyright in incorporated standards makes it more difficult for others to produce materials such as training and user manuals. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 217–224.	Disputed. This statement is unsupported by the cited source and Defendant provides no other basis for it. This is also a legal conclusion.
VIII. PLAINTIFFS’ MISSIONS AND PURPOSES FOR PUBLISHING STANDARDS DIFFERS FROM PUBLIC RESOURCE’S MISSION AND PURPOSE	
112. Plaintiffs are three standards development organizations (“SDOs”) that publish voluntary consensus standards. Dkt. 118-1 at 4–9; Compl. Ex. A–C.	Disputed to the extent it implies that Plaintiffs are merely the publishers, and not the authors, of voluntary consensus standards.
113. According to Plaintiffs, ASTM has published approximately 12,000 standards, NFPA has published over 300 standards, and ASHRAE has published over 100 standards. ECF No. 117-1 (Jarosz Rep.) ¶ 13 (ASTM); ¶ 17 (NFPA); ECF No. 118-10 (Reiniche Decl.) ¶ 2, (ASHRAE).	Disputed to the extent it implies that Plaintiffs are merely the publishers, and not the authors, of voluntary consensus standards.

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114. ASTM’s Mission Statement reads: “To be recognized globally as the premier developer and provider of voluntary consensus standards, related technical information, and services that promote public health and safety, support the protection and sustainability of the environment, and the overall quality of life; contribute to the reliability of materials, products, systems and services; and facilitate international, regional, and national commerce.” Dkt. 122-6, Ex. 100.	Undisputed.
115. NFPA’s “About NFPA” webpage states: “Founded in 1896, NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. The association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by partnering with others who share an interest in furthering the NFPA mission.” Dkt. 122-6, Ex. 101.	Disputed to the extent it implies that the NFPA’s website currently contains the quoted text. The cited reference describes NFPA’s website as of December 19, 2015.
116. ASHRAE’s Mission is “To advance the arts and sciences of heating, ventilation, air conditioning and refrigeration to serve humanity and promote a sustainable world.” Dkt. 122-6, Ex. 102.	Undisputed.
IX. EVEN BEFORE BECOMING LAW, THE STANDARDS WERE FACTUAL WORKS	
117. ASTM defines the standards they produce as documents comprising “specifications, test methods, practices, guides, classification and terminology.” Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 14:22–15:6.	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.

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	Disputed. The cited deposition testimony does not support this proposition.
118. ASTM has a form and style guide that sets forth the rules that persons generally must follow in participating in the drafting and revision process of ASTM standards. Dkt. 122-1, Ex. 8; Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 268:14–269:4.	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Best evidence rule.</p> <p>Disputed. ASTM’s form and style guide sets forth guidelines for drafting different types of ASTM standards, not for participating in the drafting and revision process. ECF No. 118-2 (Pls.’ SMF) ¶¶ 33-34.</p>
119. According to NFPA’s corporate designee, Donald Bliss, codes and standards are procedures and practices. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 21:18–22:11.	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Disputed. Defendant takes Mr. Bliss’s testimony wholly out of context. Nothing about Mr. Bliss’s statement supports the proposition.</p> <p>In response to the question “What, in your view, makes codes and standards essential to reducing fire loss, fire deaths and property losses?” Mr. Bliss answered, “Codes and standards are the result of a number of things. One is actual lessons learned from events that have happened in the past, fire incidents, electrical problems, electrocutions, explosions. And based on the analysis of those events, we can learn from them and then establish the procedures and practices</p>

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	that should be followed to prevent that from happening. The second way is from actual research, looking at potential problems, looking proactively to determine whether or not a risk or a hazard exists, and then based on that research, generating guidelines and standards that would prevent those events from happening.” ECF No. 122-1, Def. Ex. 4 (Bliss Depo.) 21:18-22:11.
120. ASHRAE described one of the standards at issue, the 1993 ASHRAE Handbook: Fundamentals, as “a tool for engineers to use when they’re working with the topics covered in that book.” Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 158:20–24.	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.
121. The content of the ASHRAE standards-at-issue is based on a technical committee’s review of the relevant research, public input and committee expertise, all of which is intended to determine the best rule—the consensus standard—for the relevant industry. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 140:1–41:4; Becker Decl., ¶ 8, Ex. 41 (Dubay Depo.) at 29:12–21, 68:9–20, 73:16–25; Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 94–95; Dkt. 117-1 (Jarosz Rep.) 26–30.	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Disputed to the extent that Ms. Reiniche’s cited testimony never makes any qualitative assessment as to whether the ASHRAE standard is the “best rule” for the relevant industry.
122. NFPA is committed to reducing “the worldwide burden of fire and other hazards” by developing and disseminating codes that will minimize fire risk. Dkt. 117-1 (Jarosz Rep. 29).	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Disputed. Defendant misstates the statement in the report “NFPA’s mission is ‘to reduce the worldwide burden of fire and other hazards on the quality of life by providing

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	and advocating consensus codes and standards, research, training, and education.” <i>See</i> ECF No. 118-12 (Rubel Decl.) Ex. 1 (Jarosz Rep.) ¶ 68.
<p>123. Bliss testified that, when he was a committee member, his motivation was to develop the “best” standard, and “best” meant “understanding the problem based on past experience and events, having as much scientifically based research to contribute to the development of the standard and then a very, very open and transparent consensus process.” After that:</p> <p style="padding-left: 40px;">There’s a tremendous amount of public input and vetting of the concepts and the actual language which in reality mirrors a government adoption of legislative process.</p> <p>Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 139:07–140:10.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Disputed to the extent PRO relies on this mischaracterization to support a claim that the standards are systems and method. Mr. Bliss’s testimony does not support that point:</p> <p>Q. And what makes a fire safety standard the best available?</p> <p>A. In my view, it’s a combination of factors. One is understanding the problem based on past experience with fires and events, having as much scientifically based research to contribute to the development of the standard and then a very, very open and transparent consensus process.</p> <p>Q. And what about the standards make them, makes them the best for adoption into law?</p> <p>A. I think for the reasons that I indicated, is that there’s lessons learned from past events. There’s research that goes into the process. There’s a tremendous amount of public input and vetting of the ideas and of the concepts and of the actual language which in reality mirrors a governmental adoption or legislative process. It takes advantage of a wide range of expertise and perspectives.</p>
<p>124. ASHRAE says its standards define “the minimum acceptable performance for the</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or</p>



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relevant products.” Dkt. 117-1 (Jarosz Rep.) at 33.	otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Undisputed.
125. The main benefit of the consensus process, according to ASHRAE, is that it relies on experts who understand “how to make that product or how to construct that building or how to make something more energy efficient.” Becker Decl., ¶ 10, Ex. 43 (Reiniche Depo.) at 102:23–25.	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Disputed. The cited testimony does not say that this is the “main benefit” of the consensus process or even that it is a benefit of the consensus process at all. The testimony discusses why committee members should have some level of expertise in the field.
126. As NFPA puts it, there are two types of changes: technical changes, which are “scientific” and wording changes, which involve making potentially confusing language more clear “to make it easier to interpret of understand what that actual technical requirement is.” Becker Decl., ¶ 8, Ex. 41 (Dubay Depo.) at 28:22–30:4.	Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination. Disputed to the extent Defendant characterizes changes as merely for clarity. Mr. Dubay’s full testimony makes clear that the standards involve creative judgment and numerous choices to settle on final wording: Q: Who determines what wording changes are appropriate in the technical committees? A. It’s a combination of extensive public review and comment, the committee’s review of that and their expertise and with the help of our technical staff to land on the

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	<p>final wording, which is ultimately decided by the technical committee.</p> <p>Q. What criteria do the members of the technical committee use in choosing the wording of a code or standard?</p> <p>A. Ultimately those decisions are based upon the technical committee members’ expertise and knowledge within the field. ECF No. 204-47, Ex. 41 (Dubay Depo.) at 29:12-30:4.</p>
<p>127. The volunteers who draft the standards do not view them as creative expression. Volunteers debate wording in the standards so as to have the most precise and accurate description of the process, system, or methods that comprise the standards. The exact wording matters, and it is not sufficient to try to rephrase this language as rephrasing could introduce errors. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 140:1–140:10.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Additionally, this statement and the cited evidence are irrelevant because there is no evidence that these statements relate to any of the standards at issue.</p> <p>This statement and the cited evidence also lacks foundation. The witness lacks personal knowledge as to the state of mind of volunteers who participate in the creation of standards. The assertion that “it is not sufficient to try to rephrase this language” is inadmissible opinion testimony.</p> <p>Disputed. There is no support for the contention that volunteers do not view their work as creative expression or the implication that they would have to view their expression as creative under copyright law. There is also no support for the proposition that exact wording matters and rephrasing the language could introduce errors. <i>Am. Soc’y for Testing & Materials v. Public.Resource.Org, Inc.</i>, 896 F.3d 437, 451 (D.C. Cir. 2018) (“PRO’s claim that a</p>

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	<p>paraphrase or summary would always be inadequate to serve its purposes seems less persuasive.”)</p> <p>The cited transcript does not support Defendant’s purported fact: “I think for the reasons that I indicated, is that there’s lessons learned from past events. There’s research that goes into the process. There’s a tremendous amount of public input and vetting of the ideas and of the concepts and of the actual language which in reality mirrors a governmental adoption or legislative process. It takes advantage of a wide range of expertise and perspectives.” ECF No. 203-5, Def. Ex. 46 (Bliss Depo.) 140:1-10.</p> <p>There is also no support for this fact with respect to ASTM or ASHRAE.</p>
<p>128. Plaintiffs believe that technical excellence is why their standards are ultimately incorporated by reference. M Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 235:2–23.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Undisputed that Plaintiffs believe technical expertise is one reason why their standards are ultimately incorporated by reference.</p>
<p>129. NFPA asserted that “standard developers converge around terminology and format that works for their constituents that utilize their standards.” Becker Decl., ¶ 8, Ex. 41 (Dubay Depo.) at 139:03–06.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Undisputed that NFPA seeks to use terminology and format that works for</p>

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	<p>constituents that utilize their standards, but disputed to the extent that Defendant misleadingly isolates this one snippet of Mr. Dubay's testimony to suggest that this effort does not require creative expression. <i>See</i> ECF No. 121-1, Opp. 33 (describing the Works as turning on only practical concerns without "a whit of expressive creativity"). As Mr. Dubay testified at length, NFPA's staff, committee members, and members of the public engage in a lengthy standards development process that involves many creative decisions that result in the creation of the final standard. ECF No. 204-47, Ex. 41 (Dubay Depo.) at 24-28, 31-33, 50-56, 59-62, 66-69.</p> <p>As is clear from the Works filed with the Court, they are each unique and reflect the Plaintiffs' distinct expressive choices. For example, NFPA and ASHRAE both define "automatic," but author different expressions of that definition. <i>Compare</i> ECF No. 155-5 (Comstock Decl.) Ex. 1 at 5 (ASHRAE 90.1-2004) <i>with</i> ECF No. 155-6 (Dubay Decl.) Ex. A at 70-26 (NFPA NEC 2011). Likewise, the standards each use drawings in different ways and the style of those drawings is distinct. <i>Compare</i> ECF No. 155-5 (Comstock Decl.) Ex. 1 at 18 (straightforward figure style in ASHRAE 90.1-2004) <i>with</i> ECF No. 118-7 (O'Brien Decl.) Ex. 6 at 3, 17 (complex drawing style in ASTM in ASTM D86-07).</p>
<p>130. ASHRAE standards take the form of specific requirements that "provide methods of testing equipment so that equipment can be measured [and] compared with similar levels of performance." Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 96:01–22.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are "factual" or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p>

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	<p>Disputed. In the cited testimony, the witness does not refer to ASHRAE standards as “specific requirements” (that is how PRO’s attorney references them). Also, the quoted text was in response to a specific question about possible uses of ASHRAE standards; it was not a general description of ASHRAE standards provided by the witness. Becker Decl. ¶ 11, Ex. 44 (Comstock Depo.) at 96:01–22.</p>
<p>131. ASTM standards are “[s]pecifications, test methods, practices, guides, classifications and terminology.” Becker Decl., ¶ 7, Ex. 40 (Smith Depo.) at 14:22–15:18.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>Disputed.</p> <p>The cited deposition testimony does not support this proposition.</p> <p>Disputed to the extent it implies that ASTM standards include only specifications, test methods, practices, guides, classifications, and technology. ASTM standards also include diagrams, explanatory materials, aids and supplements to the standard. ECF No. 198-3 ¶¶ 50-51.</p>
<p>132. An NFPA standard provides a consistent process for fire investigation. Becker Decl., ¶ 13, Ex. 46 (Bliss Depo.) at 106:09–24.</p>	<p>Objection. Relevance. PRO appears to intend to use this statement to support a claim that the standards are “factual” or otherwise not subject to copyright, but it has made no argument in the present summary judgment briefing on this basis and, in any event, that is a legal determination.</p> <p>The statement is also not relevant as it relates to NFPA 971, which is not one of the standards at issue in this litigation.</p>

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	Disputed to the extent it suggests that all NFPA standards or the particular NFPA standard being discussed provide a consistent process for all fire investigators rather than simply a way in which some fire investigators conducted an investigation.
X. PLAINTIFFS HAVE NO EVIDENCE OF HARM	
133. Public Resource first posted the 2008 National Electric Code on its website in 2008. Dkt. 164-8 (Supp. Decl. of Carl Malamud) ¶¶ 5–7.	<p>Objection. Hearsay.</p> <p>Disputed. Mr. Malamud's declaration states that he posted copies of various state codes—not the National Electrical Code.</p> <p>Disputed to the extent it suggests that PRO's postings accurately and completely reproduce Plaintiffs' standards without any errors. PRO posted versions of the standards at issue, although those versions introduced errors not present in the authentic Works.</p>
<p>134. Plaintiffs have discussed Public Resource's activities at the highest levels of their organizations since at least 2010, but waited until August 2013 to file this lawsuit.</p>  <p>Dkt. 120, Ex. 150.</p>	<p>Disputed entirely as to ASHRAE's involvement in discussions since 2010. Disputed as vague and misleading with respect to the references to </p> <p>In fact, Public Resource did not post Plaintiffs' standards in bulk until December 2012. See ECF No. 118-2 (Pls.' SMF) ¶ 250.</p>
135. All of the standards at issue have been superseded or withdrawn. Becker Decl. ¶¶ 56–58, Exs. 89–91 (IBR Reference Tables); Dkt. 122, Exs. 97–99.	Undisputed that Plaintiffs have published more recent editions of the other works at issue in this case. Otherwise disputed as argumentative.

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	Objection to Exhibits 97-99 as hearsay and lacking foundation/personal knowledge.
<p>136. Public Resource's posting of the incorporated standards at issue has not caused Plaintiffs any measurable harm. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 63:3-10; 123:14-18; 136:5-137:24; 155-158; 160:3-6; 177:17-178:5; 212:11-213:3; 214:13-215:3; 245:2-250:11; Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 12:2-11; 63:10-16; 64:20-25; <i>see generally</i> Becker Decl. ¶¶ 22-23, Exs. 55-56; Becker Decl. ¶¶ 39-47, Exs. 72-80.</p>	<p>Disputed. While Plaintiffs have not calculated a precise number of damages, the evidence demonstrates that Plaintiffs have been harmed by Defendant's conduct. Mr. Jarosz stated that Plaintiffs had suffered financial losses but they were exceedingly difficult to quantify. ECF No. 118-2 (Pls.' SMF) ¶¶ 238-39, 246.</p> <p>ASHRAE also objects to the incredibly misleading use of Mr. Comstock's testimony, which involved the observed impact of ASHRAE's own postings of standards in its reading room on a read-only basis, not Public Resource's posting. (<i>See</i> Declaration of Jordana Rubel, previously filed at Dkt. 118-12, ¶ 11, Ex. 8 (Comstock Depo.) at 11-12). Because this testimony does not relate to the posting by Defendant, ASHRAE also objects to the use of the testimony on the basis of relevance (Fed. R. Evid. 402).</p> <p>ASTM and NFPA object to the use of evidence regarding ASHRAE against them as irrelevant.</p>
<p>137. [REDACTED] Dkt. 120, Ex. 146; Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 144:22-145:2.</p>	<p>Disputed. While ASTM has not calculated a precise number of damages, the evidence demonstrates that ASTM has been harmed by Defendant's conduct. Mr. Jarosz stated that Plaintiffs had suffered financial losses but they were exceedingly difficult to quantify. ECF No. 118-2 (Pls.' SMF) ¶¶ 238-39, 246.</p>
<p>138. ASTM has no evidence that it has lost sales of any of the incorporated standards at issue because Public Resource made the incorporated standards at issue publicly</p>	<p>Disputed. ASTM presented evidence that many people accessed versions of ASTM standards that Defendant placed online, some of whom may have otherwise purchased the</p>

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available. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 152:19–24.	standards from ASTM. ECF No. 118-2 (Pls.' SMF) ¶¶ 241, 243-44 (showing over 88,000 accesses of ASTM's standards from Defendant's website in a 10-month period and thousands of downloads of ASTM's standards from the Internet Archive); Def. Ex. 9 (Jarosz Depo.) 212:16-213:3; ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶¶ 98-99 (showing the download and access data from PRO's website and in the Internet Archive showing seven times more views than ASTM's total views across all six years).
139. ASTM has no evidence that Public Resource caused ASTM to lose money. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 154:25–155:5.	Disputed. While ASTM has not calculated a precise number of damages, the evidence demonstrates that ASTM has suffered damage as a result of Defendant's conduct. ASTM presented evidence that many people accessed versions of ASTM standards that Defendant placed online, some of whom may have otherwise purchased the standards from ASTM. ECF No. 118-2 (Pls.' SMF) ¶¶ 241, 243-44 (showing over 88,000 accesses of ASTM's standards from Defendant's website in a 10-month period and thousands of downloads of ASTM's standards from the Internet Archive); Def. Ex. 9 (Jarosz Depo.) 212:16-213:3; ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶¶ 98-99 (showing the download and access data from PRO's website and in the Internet Archive showing seven times more views than ASTM's total views across all six years).
140. ASTM has no knowledge of any evidence that Public Resource caused ASTM any property damage or injury. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 155:7–12.	Undisputed that ASTM has no knowledge of evidence that Defendant caused ASTM property damage. Disputed as to the existence of evidence that Defendant caused ASTM injury. ECF No. 118-2 (Pls.' SMF) ¶¶ 214-15, 241, 243-45.
141. ASTM has no evidence that Public Resource caused ASTM any damage to	Disputed. Plaintiffs presented evidence of Defendant's posting versions of ASTM

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ASTM’s reputation. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 165:12–15.	standards that contain errors online. ECF No. 118-2 (Pls.’ SMF) ¶¶ 214-15, 245.
142. Plaintiffs’ expert Jarosz was unable to quantify any financial losses to Plaintiffs as a consequence of Public Resource’s activities. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 63:3–10.	Disputed. Mr. Jarosz stated that Plaintiffs had suffered financial losses but they were exceedingly difficult to quantify a precise number for those losses with great certainty. ECF No. 118-2 (Pls.’ SMF) ¶¶ 238-39, 246.
143. Plaintiffs’ expert Jarosz was not aware of any documents showing NFPA suffered harm from Public Resource’s activities. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 123:9–18.	Disputed. This is not true. The cited testimony does not support the fact, and Mr. Jarosz stated numerous times that he relied on documents referenced in paragraph 133 of his report, among others, that show harm.
144. Plaintiffs’ expert Jarosz’s only evidence of harm is statements by plaintiffs’ officers. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 155–163.	Disputed. In addition to relying on persons with knowledge of relevant information, Mr. Jarosz relied on documentary evidence, including, but not limited to, documents showing the number of downloads of copies of Defendant’s copies of Plaintiffs’ standards and documents showing that Defendant did not correctly copy Plaintiff’s standards. Mr. Jarosz also relied on the testimony of Public Resource and Carl Malamud. <i>See</i> Jarosz Report, Tab 2.
145. Plaintiffs’ expert Jarosz was not aware of any direct evidence of the impact of Public Resource’s activities on Plaintiffs’ financials. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 160:3–6.	Disputed. Mr. Jarosz relied on direct evidence of the harm and its impact to Plaintiffs as cited in response to paragraph 144 above, among other evidence.
146. Plaintiffs’ expert Jarosz did not correlate Public Resource’s posting of the standards at issue with Plaintiffs’ revenues from the sale of the standards at issue. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 177:17–178:5.	Undisputed.
147. Plaintiffs’ expert Jarosz did no analysis to distinguish the profitability of the standards at issue from the profitability of standards that have not been incorporated by reference into	Undisputed.

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law. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 183:4–15.	
148. Plaintiffs' expert Jarosz lacks certainty that Public Resource's posting of the standards at issue caused any economic loss to Plaintiffs. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 212:11–213:3.	Disputed. Mr. Jarosz stated that Plaintiffs had suffered financial losses but they were exceedingly difficult to quantify. ECF No. 118-2 (Pls.' SMF) ¶¶ 238-39, 246. Additionally, Mr. Jarosz stated that he could say with reasonable certainty that if people had not accessed or downloaded versions of ASTM's standards that Defendant posted online, in some instances they would have obtained the ASTM standards from ASTM through legal means. Def. Ex. 9 (Jarosz Depo.) 212:16-213:3.
149. Plaintiffs' expert Jarosz did not evaluate the extent of distribution of the standards at issue via Public Resource's website. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 214:13–215:3; 216:2–5; 245–49.	Disputed to the extent it suggests that it would be possible to evaluate the extent of distribution of the standards via Defendant's website. Defendant does not know what people do with the versions of Plaintiffs' standards that are posted on Defendant's website. And Defendant admitted it has no way to identify who downloaded, made additional copies of, or printed the versions of Plaintiffs' standards from its website. ECF No. 118-2 (Pls.' SMF) ¶¶ 247-48.
150. ASHRAE is not aware of any revenue lost from the free availability of ASHRAE standards online. Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 12:2–11; 63:10–16; 64:20–25.	Disputed. The citation to Mr. Comstock's testimony, which involved the observed impact of ASHRAE's own postings of standards in its reading room on a read-only basis, not Public Resource's posting of standards, is incredibly misleading and does not support the asserted proposition. (See ECF No. 204-50 (Def's Ex. 44) (Comstock Depo.) at 11-12). Also, because this testimony does not relate to the posting by Defendant, ASHRAE also objects to the use of the testimony on the basis of relevance (Fed. R. Evid. 402).

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	ASHRAE further objects to the extent that the testimony elicited supports the fact that there has been no formal tracking of lost revenue, but that is not to say that no loss occurred – only that it was not tracked. And ASHRAE's witnesses did point to anecdotal evidence of lost revenue due to free availability of the standards online, even if the impact was not quantified. <i>See</i> ECF No. 204-50 (Def's Ex. 44) (Comstock Depo.) 63:17-25.
151. [REDACTED] [REDACTED] Dkt. 163, Ex. 10.	Disputed. [REDACTED] [REDACTED] ECF No. 117-2 (Jarosz Rep.) ¶ 95. [REDACTED] <i>See</i> Dkt. 163, Ex. 10.
152. [REDACTED] [REDACTED] Dkt. 163, Ex. 11.	Disputed. [REDACTED] [REDACTED] ECF No. 117-2 (Jarosz Rep.) ¶ 95.
153. ASTM's sales from publications have increased 2% during the three years Public Resource was first posting ASTM Standards. This was in accord with Grove's expectations. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 19:21–20:13.	Undisputed.
154. ASHRAE has not attempted to track losses due to Public Resource's conduct.	Undisputed.

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Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 63:10–16.	
155. NFPA has not identified “any direct correlation” between adoption of an edition and an increase in sales. “The only general correlation is that once a new version of the code is out, we will sell more of the new edition and less of the old edition, but nothing – no general correlation to adoption or specific spikes.” Becker Decl., ¶ 9, Ex. 42 (Mullen Depo.) at 95:3–25.	Undisputed.
156. NFPA does not have a number on any balance sheet that corresponds to the value of the copyrights it holds because NFPA does not “attempt to place any value on any intangible asset.” Becker Decl., ¶ 9, Ex. 42 (Mullen Depo.) at 140:11–18.	Undisputed.
157. According to NFPA’s Bruce Mullen, “If I had to guess, the non-business or government purchases is probably less than 1 percent of the total sales.” Becker Decl., ¶ 9, Ex. 42 (Mullen Depo.) at 187:14–23.	Disputed. Defendant’s purported fact is a quote from an email that was shown to Mr. Mullen at his deposition which he did not author, receive, or recognize. Mr. Mullen simply did not state what Defendant alleges he did. Objection. Inadmissible hearsay.
158. Allowing “unauthorized persons” to use standards without training is not a cognizable harm. Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 227:14–228:14.	This is a legal conclusion and not a factual statement. Disputed. The cited source addresses the provision of training or guidance by unauthorized persons. It does not contain any conclusion or opinion that such training is not a cognizable harm or that such training does not cause Plaintiffs other forms of cognizable injuries (e.g., financial harm).
159. “Confusion” between incorporated standards and newer versions of Plaintiffs’ standards does not harm Plaintiffs. Becker	This is a legal conclusion and not a factual statement.

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Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 254:14–257:9.	Disputed. This statement is not supported by the cited source and Defendant provides no other basis for it.
160. In 2002, Plaintiffs NFPA and ASHRAE argued that a lack of private monopoly to control the reproduction of mandatory building codes would “destroy” the “ability of private standards developers to underwrite the development and updating of their standards.” Dkt. 122-8, Ex. 121 (Brief of American Medical Assoc. et al. as Amici Curiae at 12, <i>Veeck v. Southern Building Code Congress International, Inc.</i> , 293 F.3d 791 (5th Cir. 2002) (No. 99-40632)).	Disputed to the extent it suggests that NFPA and ASHRAE described copyright protection as a “private monopoly to control the reproduction” of materials. Objection to Exhibit 121 as hearsay and lacking foundation/personal knowledge.
161. After the <i>Veeck</i> decision, ASTM International and many other SDOs filed briefs seeking Supreme Court review. In those briefs, they insisted, at length, that if that decision stood it would destroy the standards development process. Dkt. 164-14. Yet certiorari was not granted.	Objection. This statement is unsupported by the evidence, which attaches an amicus brief filed by ASTM, not “other SDOs.” It is otherwise irrelevant. Disputed to the extent it states ASTM was seeking Supreme Court review. ASTM was not a party in <i>Veeck</i> case. See <i>Veeck v. Southern Building Code Congress International, Inc.</i> , 293 F.3d 791 (5th Cir. 2002).
162. Plaintiffs have no evidence that they suffered any loss of revenues in Texas, Louisiana, or Mississippi since 2002, when the Fifth Circuit Court of Appeals decided <i>Veeck v. S. Bldg. Code Cong. Int’l, Inc.</i> , 293 F.3d 791, 796 (5th Cir. 2002) (<i>en banc</i>). Becker Decl., ¶ 11, Ex. 44 (Jarosz Depo.) at 130:6–19.	Disputed. The <i>Veeck</i> decision explicitly stated it did not apply to standards incorporated by reference, like Plaintiffs’ standards. Thus there would be no basis for expecting Plaintiffs to have suffered loss of revenue as a result of the <i>Veeck</i> decision. See ECF No. 118-1 (Pls.’ Mem.) at 26-27. Moreover, following the <i>Veeck</i> decision, the OFR considered and rejected the argument that the <i>Veeck</i> decision resulted in the loss of copyright protection in incorporated standards. 1 C.F.R. § 51 at 66268 (“In our discussion of the copyright issues raised by the petitioners and commenters, we noted

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	that recent developments in Federal law, including the <i>Veeck</i> decision and the amendments to FOIA, and the NTTAA have not eliminated the availability of copyright protection for privately developed codes and standards referenced in or incorporated into federal regulations. Therefore, we agreed with commenters who said that when the Federal government references copyrighted works, those works should not lose their copyright.”)
163. Eleven states and United States territories jointly filed an amicus brief in support of Peter Veeck in the case <i>Veeck v. S. Bldg. Code Cong. Int’l, Inc.</i> , 293 F.3d 791, 801 (5th Cir. 2002), in which they asserted that “[c]opyright, while permitted by the Constitution, is at base only a statutory right On the other hand, due process is a constitutional right of the first order.” Dkt. 164-13 at 4.	Objection. This statement is inadmissible hearsay to the extent it is offered to prove the truth of the matter asserted. It is otherwise irrelevant.
164. People want to use the most recent version of ASTM’s standards, even if an older version is incorporated by reference into law. Becker Decl., ¶ 12, Ex. 45 (Grove Depo.) at 171:5–8.	Objection. Lack of foundation/personal knowledge. The witness lacks a basis for opining about what “people want.” Disputed to the extent it implies that there is no value to an older version of an ASTM standard or that older versions of ASTM standards do not need copyright protection.
165. People may want to read older versions of standards because the older version may be the version that is incorporated by reference in a code or regulation. Becker Decl., ¶ 11, Ex. 44 (Comstock Depo.) at 19:20–24.	Objection. Lack of foundation/personal knowledge. The witness lacks a basis for opining about what “people want.” Objection by ASTM and NFPA. The testimony relates only to ASHRAE standards and is irrelevant to ASTM and NFPA. Disputed because this is unsupported speculation, not a statement of fact.

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XI. PUBLIC RESOURCE'S NOMINATIVE FAIR USE AND ABSENCE OF CONSUMER CONFUSION	
<p>166. Public Resource voluntarily applies notices to the incorporated standards at issue on its website describing the process it uses to copy standards and disclaiming affiliation with any SDOs. <i>See, e.g.</i>, an example of one of the standards posted on the Internet Archive, at https://archive.org/details/gov.law.nfpa.13.2002; <i>see also</i> Dkt. 121-5 ¶ 30, Ex. 3.</p>	<p>Objection. Disputed to the extent that PRO failed to attach as evidence the page that appears at the URL https://archive.org/details/gov.law.nfpa.13.2002. Plaintiffs are unable to tell what information appeared when PRO posted this page, and PRO's disclaimers have changed over time. ECF No. 198-3 (Pls.' 2d. Supp. SMF) ¶¶ 26-29. Plaintiffs object to this citation as violating the best evidence rule.</p> <p>Disputed. The cited exhibit shows application of a notice on the HTML version of a standard that PRO posted online in 2015 and is not a Work at issue. Defendant presented no evidence that it applied this notice on any PDF or HTML version of a standard at issue when it posted it in 2012. The HTML versions of at least some of the standards at issue in this litigation do not include this disclaimer. <i>See</i> Wise Decl. ¶ 166, Ex. 165 (showing HTML version of ASTM standard D86-07).</p>
<p>167. Each of the incorporated laws at issue has a title that contains one of the Plaintiffs' names. Compl. Exs. A–C, ECF No. 1.</p>	<p>Disputed to the extent it suggests that Plaintiffs' standards are themselves law. Disputed to the extent it implies that each of the standards at issue has been incorporated by reference in its entirety or at all for the reasons stated in response to Paragraph 84.</p>
<p>168. Public Resource displays links to standards incorporated by reference into the Code of Federal Regulations in a table that identifies the standards by their alphanumeric code, e.g., ASTM D396-98, its year, the developing organization, the title of the standard, and the C.F.R. section that</p>	<p>Objection. Defendant's webpage is hearsay if it is offered to prove the truth of any of the matters asserted therein.</p> <p>Disputed to the extent PRO suggests that the information contained in the exhibit accurately reflects the current contents of its website. The page in question does not</p>